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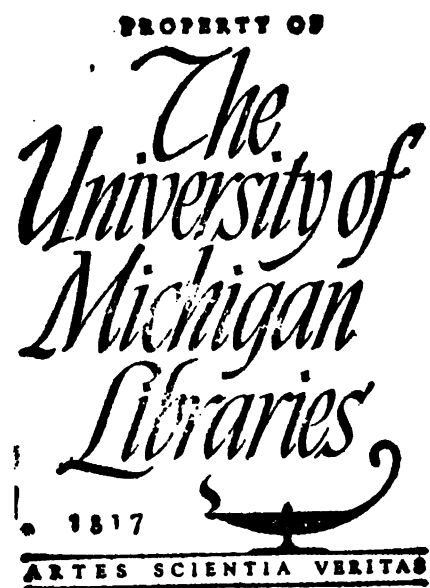
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BARONIA ANGLICA CONCENTRATA;

OR,

A CONCENTRATED ACCOUNT OF ALL THE BARONIES COMMONLY CALLED

BARONIES IN FEE;

DERIVING THEIR ORIGIN FROM WRIT OF SUMMONS TO PARLIAMENT, AND NOT FROM
ANY SPECIFIC LIMITED CREATION.

SHOWING THE DESCENT AND LINE OF HEIRSHIP AS WELL OF THOSE FAMILIES MENTIONED BY SIR WILLIAM
DUGDALE, AS OF THOSE WHOM THAT CELEBRATED AUTHOR HAS OMITTED TO NOTICE.

(Interspersed with interesting Notes, and explanatory remarks.)

WHEREUNTO IS ADDED

The Proofs of Parliamentary Sitting,

From the Reign of Edward I., to that of Queen Anne.

ALSO,

A GLOSSARY OF DORMANT ENGLISH, SCOTCH, AND IRISH PEERAGE TITLES,

WITH REFERENCE TO PRESUMED EXISTING HEIRS.

BY SIR T. C. BANKS, BART. N.S.,

Member of the Inner Temple, Law Genealogist, Author of the Dormant and Extinct Baronage of England, *Stemmata Anglicana*, *Honores Anglicani*, *History of the Marmyun Family*, and other Genealogical works.

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P R E F A C E .

AFTER the publication of the Dormant and Extinct Baronage of England, in 3 Vols. 4to. in the years 1807, 8, and 9, the interest which they had excited, led me to imagine that as not any account had theretofore been ever printed of many eminent persons who had been Summoned to Parliament, either as, or among the Earls and Barons of the realm, but whose names alone were to be found in Dugdale's Lists of Summons, without any mention of them in his History of the Baronage, it might be a desirable addition to the preceding Volumes, to bring them into notice, and with that view I published in 1825, a supplement intitled *Stemmata Anglicana*.

As Piracy, or Plagiarism among Authors has been a pretty usual practice, it is not matter of surprise to me, that what I have brought forward should be adopted by any of them as their own—thus whosoever shall peruse Mr. Burke's Octavo Edition, of what he is pleased to denominate the *Dormant and Extinct Baronage*, will find it almost a literatim Copy of my previous publication, and in such respect a *base plagiarism*, but when a man is destitute of gratitude to those who may have rendered him services, he is generally a stranger to the principles of honour. Yet as he has added to his work the Titles of the Dormant and Extinct Peerage of Scotland, and Ireland, I am most willing to give him due credit for that useful addition; and had he corrected the Errors I may have committed, by following with too much confidence the authority of Dugdale, and other Heraldic Authors, he would have had my approbation, notwithstanding the flagrancy of his Piracy; which probably he reconciles as a Highwayman would the Robbery he had made upon another's property; but if he himself was afterwards robbed, he would complain of it as an heinous offence.

So far with respect to Mr. Burke.—I must now turn to a Gentleman of much higher note, of whom I would wish to say something more favourable than he deserves

at my hands. I mean the learned, and indefatigable Sir Nicholas Harris Nicolas, who having seen my *Stemmata Anglicana*, was pleased very speedily after to adopt its arrangement and contents, in a very considerable degree into a work of his own, intitled, "*A Synopsis of the Peerage of England*," and therein to incorporate a notice of those very persons of whom (as before observed) I was the first to give any account to the public. In his remarks on some of them, he condescends occasionally to cite my name: while in the others whom he mentions, he states that no Genealogical Author has given any account of them, though an account was to be found in the *Stemmata* from which he had plagiarised their Titles. As no Genealogical Author, according to his assertion had noticed them; it would have added much to his own credit to have been the first to have brought them forward, and have rendered his own work more novel and interesting—the sinister motive for mentioning me in some instances, and omitting me in others where I might have had some credit for priority of information, requires no comment, as being too evident.

Mr. Hunter in his Deanery of Doncaster, considers that the silence of Sir Harris Nicolas in his *Synopsis*, of that very eminent Statesman and Ecclesiastie, Sir John de Sandale, is much to be regretted. But had Mr. Hunter looked into my *Stemmata*, he might have seen an account of the subject of his lamentation. I will only add, that although I deem myself rather scurvily treated by Sir Harris, I give him with much pleasure, the highest commendation for his very many erudite, meritorious, and estimable publications.

I must confess myself to have been greatly obliged to the late Sir George Nayler, Garter King of Arms, and to Sir William Woods, also Garter King of Arms, for the kind and friendly readiness with which they allowed me the inspection of their office books, which would have been to a more extended degree, had it not been circumvented by the malignant interposition of Mr. Francis Townshend, the then Windsor Herald, who owed me rather a better return for favors done to him and his Rev. Brother, Mr. Thomas Townshend, by my father; but this evil spirit of the Herald is easily explained by my having communicated to him my intention of bringing out the *History of the Dormant and Extinct Baronage of England*, after Dugdale's precedent. On this intimation, his Letter in answer said, that he himself had been for upwards of twenty years

contemplating the same work, but whenever he referred to his MSS. his Errors so stared him in the face, that he was deterred from the undertaking, and advised me against it. I however embarked in a Sea, where he was afraid to venture.

To any other Members of the College of Arms I am not under the smallest obligation ; unless it may be when for the purpose of casting some obloquy upon me, they have done me the honor to mention my name, thereby showing that I was an object of their notice. But their detraction I as little regard, as I would the ravings of disappointed Placemen ; or the howling of a madman at Calcutta. These Gentlemen of Arms are well known for the Harmony of their association, and kindly feelings towards each other.

With reference to the Contents of this Volume, a portion of it was printed in the *Stemmata Anglicana*, but much is herein added, with appendixes not before published, together with many notes, and other elucidatory matter, which combined with the Contents of the other Volume, I trust will be found an aggregate of more general interest to the public at large, than the Peerage Histories hitherto published have developed.

T. C. BANKS.

BARONIA ANGLICA CONCENTRATA.

ORIGIN OF NOBILITY.

GENERAL OBSERVATIONS.

With respect to the estate, which may be had in a title of honour, while the dignity was annexed to the land, and held by tenure, the person in possession of the estate, if he was tenant in fee simple, would, it is presumed, have an estate equal in dignity.

These kind of territorial dignities, or land baronies, were anciently allowed to be aliened by the possessor, provided such alienation was made with the king's licence.* Collins, in his Parliamentary Precedents,† cites various examples to this effect; and Dugdale, in his History of the Baronage,‡ notices the same.^a

* Vid. Mirror of Justice.

† p. 114, 116, et alibi.

‡ Vol. 1, p. 385, et alibi.

As to dignities derived from writs of summons, they have generally been said to be holden in fee; but this is deemed an erroneous doctrine.§ A person having a barony of this kind, is not tenant in fee simple of it: for, in that case, it would descend to the heirs general, lineal or collateral, of the person last seised: whereas a dignity of this species is only inheritable by such of the heirs as are lineally descended from the person first summoned to parliament, and not to any other of his heirs. It is, in fact, a kind of estate, not known to the law in any other respect or instance, excepting in that of an honour.

§ Cruise on Dignities, p. 55.

These dignities, created by writ, (and the same rule applies to those created by

^a All amerciaments were estreated into the exchequer, and were of a fixed amount. As he, who holdeth an entire Earldom, 100 pounds; and a Baron for a barony, 100 marks. He who holdeth less, or more, according to the extent of the Tenure. And this defines the difference of rank between an Earl, a Baron, and a minor tenant, in capite.

* Purbeck
case. Cor.
Dom. Proc.
anno 1678.
† Lords'
Journ.
Vol. IV.
p. 150.

patent,*) are unalienable; being an hereditament in the blood of the grantee and his descendants. And in the case of the barony of Grey of Ruthyn, in 1640, the house of lords made† the following resolution; viz. "Upon somewhat, which was spoken of in the argument, concerning a power of conveying away an honour, it was resolved upon the question, nemine contradicente, that no *person that hath any honour in him, and a peer of this realm, may alien or transfer the honour to any other person.*"

† Ibid.
Vol. II.
p. 196—7.
§ Collins's
Parl. Proc.
p. 122, 3
|| Ib. p. 321.

It was doubted formerly, whether a barony by writ was not extinguished by the acceptance of a new barony of the same name. But, in the case of Lord Delaware, it was resolved‡ in parliament, 39th of Elizabeth, that a grant of a new barony of Delawarre to William West, who was not then in possession of the old barony of that name, did not merge or extinguish the ancient dignity.§ The same doctrine was also established in the barony of Willoughby de Broke,|| claimed by Sir Richard Verney.

¶ Ib. p. 195.
Lords' Jour.
Vol. IV.,
p. 149.
** Ib. p. 286.

It was also formerly questioned, whether a person having a barony by writ, and being afterwards advanced to an earldom, to him and his issue male, did not thereby so merge the barony in the higher honour, as that it could not afterwards be separated from it. But this doctrine was fully exploded in the cases¶ of the baronies of Grey of Ruthyn, and of Fitz-Walter; in which latter case, another point was embraced by the determination, namely,** that, though the earldom or higher dignity should become extinct, the barony by writ, will, notwithstanding, descend to the heir general.

The descent of dignities by writ, is in some respect different from that of lands; for possession does not affect the descent of a dignity: for every person claiming an honour created by writ, must make himself heir to the person *first summoned*, not to the person

†† 1 Inst. 15. b. *last seised.* ††
3 Rep. 42. a.
‡‡ Collins's
Parl. Proc.
p. 195.

Thus, in the case of the barony of Grey of Ruthyn,‡‡ before mentioned, it was stated, that it was a barony by writ; that lord Grey died, leaving a son and daughter by one venter, and a second son by another venter. The barony descended to the eldest son, in due course, who sat in parliament, and afterwards died without issue: the question was, whether the second son should inherit the barony, or the sister?

The opinion of the judges was required, who resolved, that there was no *possessio fratris* of a dignity; but it should go to the younger son, who was *heres natus*; and the sister was only *heres facta*, by the possession of her brother, of such things as were *in demesne*, but *not of dignities*, whereof there could be an acquisition of the possession.

§§ 1 Inst.
15. b. n. 3.

But lord chief justice Hale, in his Notes to the First Institute,§§ published by Mr. Hargrave, observes, on this case, that, if it was a feudal title of honour, as of the earldom of Arundel, or barony of Berkeley, there *possessio fratris* should hold well; because the title is annexed to the land.

||| Cruise
on Dig.

The right of primogeniture takes place between males, in the descent of dignities;||| and, therefore, where a person possessing an honour in tail male, dies, leaving several sons

it descends upon the eldest : but where a person seised of an honour in fee, dies, leaving daughters, sisters, or other female co-heirs, no right of primogeniture prevails ; for they altogether are *unus hæres, unum corpus* : their heirship is *unitas juris* ; the whole body* of co-heirs, however numerous, must unite to constitute *the heir*.

* Coke on
Litt. sect. of
Coparc.

Lord Chief-justice Coke has stated a case in his Institute† in these words: “Note.—If the earldom of Chester descend to coparceners, it shall be divided between them, as well as other lands ; and the eldest shall not have this seignory and earldom entire to herself, *quod nata*, adjudged, *per totam curiam*,” And his lordship makes the following observations on this case. “By this, it appeareth, that the earldom—(that is, the possessions of the earldom)—shall be divided ; and that, where they be more daughters than one, the eldest shall not have the dignity and power of the earl, that is, to be a Countess. What, then, shall become of the dignity? the answer, is, that, in that case, the king, who is sovereign of honour and dignity, may, for the uncertainty, confer the dignity upon which of the daughters he please ; and this hath been the usage, since the conquest, as it is said.”

† 1 Inst.
165. a. tit.
Præscr. 18.

This doctrine, laid down by lord Coke, was fully established and acted upon both before and in his time. Thus, in the case of the earldom of Oxford, the house of lords certified‡ that the earldom was descended to the heir male ; but, as to the baronies of Bulbeck, Sandford, and Badlesmere, “they being entire, and not dividable, they became incapable of the same, otherwise than by gift from the crown ; and they in strictness of law, reverted to, and were in the disposition of king Henry VIII.”

‡ Lord’s Jou.
Vol. III.
p. 535.

A learned author, however, has observed,§ that the expression, that “*Baronies in abeyance are wholly at the disposal of the crown, is too general ; for it is not in the power of the crown to dispose of such baronies to a stranger*.” But the decision|| on the barony of Latimer, temp. Hen. VI. rather rebuts this assertion.

§ Cruise on
Dignities.

|| Collins’s
Parl. Prec.

When Ranulph earl of Chester¶, died, (16 Hen. III.) without issue, his four sisters became his co-heirs ; and in the partition of that vast inheritance, John le Scot, son of Maud the eldest sister, (his mother being dead) had for his part the whole county of Chester, and by reason thereof, most probably, was allowed to bear likewise the title of that earldom. But when the said John le Scot deceased, without issue, 21, Hen. III., leaving his four sisters, or their representatives, his co-heirs, the king took the earldom of Chester *into his own hands*,** and afterwards annexed it to the crown, granting to the co-heirs certain other lands in the lieu thereof.

¶ Dugd.
Baron,
Vol. I. p. 44.
et seq.

Bracton†† treats of the partition of estates among co-parceners ; and observes, that where a mansion-house was *caput comitatûs seu baroniæ*, it was not devisable, *propter jus gladii, quod dividi non protest* ; for, by that means, earldoms and baronies would come to nothing: *per quod deficiat regnum, quod ex comitatibus et baroniis dicitur esse constitutum*.

** Dugd.
Camden,
R. Brooke,
Milles,
et alibi.
†† Lib. 2.c.34.
76. a & b.

* Cruise on Dignities.

† Collins's Parl. Proc. p. 222-3, et alibi.
‡ Dugd. Baron. Vol. I. p. 121.
§ Ib. p. 119.
|| Rot. Pat. 28 Hen. III. m. 12.

Now, provided the eldest daughter had a right, as some assert,* to the principal mansion, if it was a *caput comitatus*, sive *caput baronie*, she would in those times, have been entitled to the dignity annexed to it; and this appears to have been the case in divers baronies† noticed as having been given to the eldest of several co-heirs; yet, in the instance of the division of the great inheritance of Hugh de Albini, earl of Arundel and Sussex, among his sisters and co-heirs,‡ or their representatives, it seems that the dignity of Earl of Sussex, (whereof the Albini's were earls *per tertium denarium comitatus unde comes est*§) was not granted to any one of the co-heiresses, but the castle of Arundel, which was the *caput comitatus*, was given to John Fitz-Alan, son of Isabel, the second sister|| of earl Hugh; the descendants of which John Fitz-Alan, by reason of the possession of the said castle, have been earls of Arundel to this day.

Where the king terminates the abeyance of a dignity in favour of a commoner, he issues a summons to him by the name of the honour which was in abeyance; as in the cases of Le Despenser, and Botetourt. But, where the person, in whose favour the abeyance is terminated, is already a peer, and has a higher dignity, there the king makes a declaration under the great seal, confirming the barony to him; and in the case of a female, the abeyance is also terminated by a declaration.

With regard to the effect of terminating the abeyance or suspension of an honour, by the nominating of any one of the co-heirs to it; such nomination operates not as a new creation of a dignity, but as a revival of the ancient title, according to the date of its standing, and the nominee has thenceforth an inheritance in the barony or honour so revived, to hold to the heirs of his, or her body; but in case of failure of heirs of the said nominee, the barony or honour will again fall into abeyance¶ among the remaining heirs-representative of the original co-heirs, and so continue until the crown may be pleased to make a new termination; or until, by the death of all the co-heirs, but one, and the extinction of their respective lines, there shall remain only one sole heir to the dignity, who then becomes entitled to the inheritance *ex debito juris*, as a matter of right; not *ex debito gratiæ*, as a matter of favour from the crown.

¶ Argument of chief-jus. Eyre, on the case of the barony of Beaumont; Cor. Dom. Proc. anno 1795.

** Coram Dom. Proc. an. 1794-5.

The house of Lords, in the case of the barony of Beaumont, claimed** by Mr. Stapleton, has decided, that where a barony by writ was in abeyance between two persons, the attainder of one of them for high treason, did not terminate the abeyance, and give to the other a sole right to the barony.

In the case of an original barony by tenure, where the party seised thereof has continued to have summons to parliament for divers descents, until the male line has ceased, and only female co-heirs been left to the inheritance; there does not appear to have been ever any decision, whether such barony would be in *abeyance* among the co-heirs, or *extinguished*, provided the *baronial lands*, which had at first moved the writ, were sold or alienated by the last male possessor previous to his death, at which time his sisters, or any other females should become his co-heiresses.

From the determinations made in the Berners, Botetourt, and several other cases,* it is settled, that dignities are not within the Statute of Limitations; and, therefore, no length of time of non-claim can bar the right of any one entitled to a descendable honour.

* Lords' Journ. Collins's Skin. Rep. &c.

With regard to dignities, created by letters patent, they are not open to so many questionable points of law, with relation to their descent, as those honours are, which derive their origin from the writ of summons, for the express words of their patents define their course.

It was an opinion, that a title must be created of some place, in order that it might appear to be annexed to land, and thereby become a real hereditament. This opinion strongly coincided with the ancient notion of baronial tenures. But in the case of Mr. Knollys, who claimed to be earl of Banbury, and was indicted by that title, and a plea put in, that it did not appear that Banbury was in England, chief-justice Holt was of opinion, that the place from whence a patentee took his title, need not be in England; nor, in reality, was there a necessity that there should be any place. Albemarle was not in England, and, nevertheless, several persons, prior† and subsequent to Magna Charta, have been earls‡ and dukes§ of that place; and the title of earl of Albemarle is, even at this day, one belonging to a peer of parliament||. In the case of sir Thomas Gerard, who was created lord Gerard, of *Gerards Bromley*, by letters patent, (he being then resident with his family in the said capital messuage), a question arose,¶ whether the said capital messuage became thereby *caput baroniæ*; and it was held that it did not: for the *caput baroniæ* only applied to those barons of antiquity who had jurisdiction, and presided ministerially in *aulis suis*.

† Dugd. Vol. I. p. 1.
‡ De Fortibus, et alii.
§ Plantag. and Monck.
|| Keppel.
¶ Gerard v. Gerard, 5 Mod. 64.

A dignity may not only be entailed at its first creation, but also, a dignity which was originally descendable to heirs general, may be entailed by parliament on the heirs male of the person seised thereof. But, in this respect, the cases of the earldom of Oxford, and the baronies of Lumley and Percy, show, that such entails were in the nature of re-grants of the ancient honours, which theretofore had been forfeited by attainder, and were now restored in name and rank, but under certain new limitations of descent.

A dignity, whether holden in fee, fee-tail, or for life,** is forfeited and extinguished by the attainder for treason or felony of the person possessed of it at the time of committing the offence; and cannot be again revived, otherwise than by reversal of the attainder. In the cases of Stafford and Lumley, the heirs were restored in blood, but the baronies were given, with new limitations, to issue male, being different to their original course of descent, which was to heirs general.††

** Cruise on Dignities.

Charles Nevill, sixth earl of Westmoreland, (whose ancestor Ralph was so created by letters patent, to hold to himself and the heirs male of his body), in the 13th of Elizabeth, was attainted of high treason, by outlawry, and by act of parliament, and died without issue male: whereupon the title was claimed by Edward Nevill, lord Abergavenny, as heir male of the body of Ralph Nevill, the first grantee of the earldom.‡‡

†† Journ. Dom. Proc.

‡‡ Collins's Parl. Rec.

It was resolved by all the judges, that, although the dignity was within the statute *de donis conditionalibus*, yet it was forfeited by a condition in law *tacitè*, annexed to the estate of the dignity: for an earl has an office of trust and confidence; and when such a person, against the duty and end of his dignity, takes council, as well as arms, against the king, to destroy him, and thereof is attainted, by due course of law; by that he hath forfeited his dignity, in the same manner as if tenant in tail of an office of trust misuse it, or use it not; these are forfeitures of such office, for ever, by force of a condition in law

tacitè annexed to their estates. It was also resolved,* that, if it had not been forfeited by the common law,† it would have been forfeited by the 26 Hen. VIII. ^a

* Nevill's Case
7 Rep. 33.
† Opinion of
the judges in
Airlie case,
1818. Cor.
Dom. Proc.

But, nevertheless, a dignity *in tail* may be claimed by a son surviving an attainted father, who *never was in possession* of such dignity; as in the case of the duke of Athol, in which it appeared, that John Murray, marquess of Athol, was created duke of Athol, to hold to him and the heirs male of his body. He died in 1725, leaving James, his eldest son and successor, and George, a younger son, the petitioner's‡ father.

‡ Lord's
Journ. Vol.
XXX. p. 466,
et seq.

The said lord George Murray in 1745 was attainted of high treason, by act of parliament, and died in 1760, leaving the petitioner, his eldest son. James duke of Athol afterwards died in January, 1764, without male issue, whereby the said John became next heir male to duke James his uncle, and was admitted as such accordingly.§

§ Ibid.

|| 7 Rep. 34. d.

But where a dignity is entailed over to another person,|| in default of issue male of the grantee, such dignity is not affected by the treason, felony, or attainder of the said grantee. Thus Thomas Percy was restored to the ancient barony of Percy and earldom of Northumberland, in the time of Philip and Mary,¶ with a limitation of those honours to him and his issue male-descendants, remainder to Henry Percy, his brother and his issue male. The said Thomas, baron Percy and earl of Northumberland, was afterwards attainted and beheaded: but the honours entailed as before mentioned, descended to his brother sir Henry Percy, by virtue of the said entail.**

** Dug. Bar.
Vol. I. p. 284.

†† 1 Inst. 16 b.

Where a person who has an honour marries, his wife becomes entitled to the same during her life, unless she afterwards marries a commoner.†† Thus Ralph Hayward, esq., who married Anne, widow of the lord Powys, having brought an action against the duke of Suffolk, by the name of Ralph Hayward, esq., and the lady Anne Powys, his wife, an exception was taken for a misnomer, because she ought to have been named by the name of her husband, and the said exception was allowed by the court.‡‡ The same doctrine

‡‡ Dyer, 79.

§§ Digest, Lib
1. tit. 9. Lege.
8. Doddridge,
p. 107.

was laid down in the case of the duchess of Suffolk, who, in her widowhood, married Adrian Stokes. And many other precedents§§ may be cited.^b Courtesy, however, admits what the letter of the law denies.

^a Sir William Jones, attorney-general, in his argument upon the Purbeck case, cursorily remarks, that *he had been told Nevill's case was not law*.—Collins's Parl. Preced. p. 298.

^b In 33 Cha. II. lady Elizabeth Grey, daughter to Henry earl of Kent, having married Banastre Maynard,

ORIGIN OF NOBILITY.

In 1661, upon the report from the Lords' Committees of Privileges, to whom was referred the consideration of the lady Dacre's petition, claiming the privilege of parliament, the house declared,* (having received the opinion of all the judges now present), "that the lady Dacres, by marrying Mr Chute, a commoner, hath forfeited and lost her privilege of peerage in law; and it is ordered, that the trial at law do proceed, notwithstanding any claim of privilege by the said lady Dacres." And it was again declared and made a standing order of the house, 21st of February, 1692, "that if the widow of any peer shall be married to a commoner, she shall not be allowed privilege of peerage." The courtesy, however, allows the assumption of the name of honour, though the law denies any rights to be derivable therefrom.

Thus the eldest son of a duke, by courtesy, bears the title of his father's second honour; but in law he is only a commoner, and indictable by his christian and his family surname.

But, where a woman, who has a dignity in her own right, marries a commoner, she still retains her name of dignity, for she is *nobilis nata*,† *non facta*; *est character indebilis*.

Chief-justice Coke says,‡ if a duchess by marriage afterwards marries a baron, she remains a duchess, and does not lose her name, because her husband is noble. Mr. Hargrave, however, in a note on this passage, observes, that in some books, it is said, if a woman, noble by birth, marries one of the inferior nobility, she shall be styled by the dignity of her second husband.* At the coronation of his majesty Geo. III., the duchess-dowager of Leeds, then the wife of the earl of Portmore, claimed to walk as a duchess, but her claim was rejected: she was not noble by birth, but was the daughter of a private gentleman, Roger Hele, of Halewell, in com. Devon, esq.

In this case of acquired nobility by marriage, Doddridge observes,§ that if an issue be taken upon the question, that is to say, duchess or not duchess, countess or not countess, baroness or not baroness, the trial shall be not by record, but by a jury of twelve men; and the reason is, because, in this case, the dignity is accrued to the woman by marriage, which the lawyers term matter in fact, and not by any record.||

Justice Doddridge says,¶ that it has been a matter of question, whether a person can refuse or waive a dignity conferred on him by the crown. Chief-justice Coke says,**

esq., eldest son of William lord Maynard, his Majesty, in order to prevent all disputes which might occur by reason that every daughter of an earl marrying a peer, has only the place and precedence of that peer, unless, by special dispensation, her native right be preserved and continued, was pleased to grant his warrant, that the said Lady Elizabeth Grey should have the precedence, &c. of an earl's daughter, notwithstanding her said marriage. Dated at Whitehall, 11th March, 1680—1.—Ex Orig. penes Coll. Armor.

a This doctrine is shown in the case of Sarah duchess-dowager of Somerset, relict of John duke of Somerset then late deceased, who, in order to preserve the place and precedence due to her from the duke, her husband, obtained the king's royal licence and authority to retain the said place and precedence, notwithstanding any marriage she might thereafter contract with any person whatsoever; by warrant dated at Whitehall, 21st April, 1682, (34 Cha. II.)—Ex. Orig. penes Coll. Armor.

* Journ. Dom. Proc. Vol. XI. p. 298.

† Coke, 4 pt. 118. b. 6 pt. 53. b. ‡ Inst. 16. b. n. 6.

§ Treatise on Nobility, p. 108.

|| Coke, 6 pt. 53. a.

¶ Treatise on Nobility, p. 162. ** 4 Inst. 44.

that, "If the king calleth any knight or esquire to be a lord of parliament, he cannot refuse to serve the king there, in *illo communi concilio*, for the good of his country."

* P. Wins. 592. This opinion, however, is contradicted by Lord chancellor Cowper, who held,* that the king could not create a subject a peer of the realm against his will; because then it would be in the power of the king to ruin a subject, whose estate and circumstances might not be sufficient for the honour. His lordship also held, that a minor might, when of age, waive a peerage granted to him during his infancy.

† Idem.

Lord Trevor† was of a different opinion, and held, in conformity with lord chief-justice Coke, that the king had a right to the service of his subjects in any station he thought proper; and instanced in the case of the crown's having power to compel a subject to be a sheriff, and to fine him for refusing to serve. He observed, that in lord Abergavenny's case, it was admitted, the king might fine a person whom he thought proper to summon to the house of peers, it being there said, that a person might choose to submit to a fine; and, if it were allowed, the king might fine one for not accepting the honour and not appearing upon the writ: the king might fine *toties quoties*, where there was a refusal; and, consequently, might compel the subject to accept the honour. And, that it was not to be presumed the king would grant a peerage to any one, to his wrong, any more than that, he would make an ill use of his power of pardoning: all which were supposititious, contrary to the principles upon which the constitution was framed, which depended upon the honour and justice of the crown.

A *volumus* of precedence is contrary to the statute. Mountjoy Blount was created baron Mountjoy, of Thurveston, 5 June, 1627, with an express clause of *volumus* in his patent, to have *locum et precedentiam præ omnibus aliis baronibus quibuscunque hujus regni nostri Angliæ per nos post vicissimum diem Maii jam ultimo præteritum factis sive creatis aliquo, etc. in contrarium in aliquo non obstante*. The lord Fawconbridge, who had been created the 25th of May, and the lord Lovelace, on the 27th of May, complained of Mountjoy's precedence, and the point was referred to the Lords' Committee of Privileges, who, on the 29th of April, 1628, by the lord president reported,‡ "that the committee had considered thereof, and are of opinion, that, according to the statute of 31 Hen. VIII., and according to a former judgment of this house, this parliament (10 April), in the like case of precedence granted to the earl of Banbury, that the said baron Fawconbridge, and the said baron Lovelace, are to have place and precedence according to the ancienties and dates of their several patents, before the said baron Mountjoy, whose patent of creation bears date afterwards, notwithstanding the said clause in his patent to the contrary."

‡ Journ.
Dom. Proc.
Vol. III.
p. 775.

Where a patent is lost or not forthcoming, a *constat* out of the Rolls, (or office of public record), will be received as evidence of the original creation. The lord Brudenell,§ the 4th of May, 1640, not having his patent, delivered a *constat* out of the Rolls, and took his seat in the house, according to the date of his patent.

§ Journ.
Dom. Proc.
Vol. IV.
p. 80.

In 1640, the 16 Car. I., the lord Cottington having been created since the last parliament,* and never sitting in the house before, should have presented his writ or patent; but not having his writ nor patent present, he was excused; but it was ordered, upon motion of some lords, that this should not be a precedent for hereafter, being done out of favour to him.

* Journ. Dom.
Proc. Vol. IV.,
p. 55.

In the case of a writ or summons of the same title issued on error, such writ is not to be prejudicial to the heirs of the ancient honour. In 1628, 4 Cha. I., the lord president declared to the house of lords,† “That his Majesty hath granted his writ of summons to this parliament unto James, the son and heir-apparent of William, now earl of Derby, by the name of *James Strange, chr.*, and that the heralds have ranked the said James in the place of *the ancient barons of Strange*. And his lordship showed, that Anne, countess of Castlehaven, the eldest daughter and one of the co-heirs of Ferdinando, late earl of Derby, deceased, doth claim the name and title of the said barony of Strange. It is ordered, the said writ of summons, and the said rank and place of the said James shall be in no way prejudicial unto the right and claim of the said Anne, countess of Castlehaven, nor unto any of the rights and claims of any of the daughters and co-heirs of the said Ferdinando, late earl of Derby, deceased.

† Ibid.
Vol. III.
p. 841.

A mistake in a writ of summons may be amended. In 1689 (10 Aug.) the house of lords was moved, viz.‡ “That in this parliament it pleased the King to grant his writ of summons to call Charles, lord Clifford of Lanesborough, to sit in parliament, and to take his place as the barony of his father; but by a *mistake*, the writ of summons under the great seal, calls him by the title of Lord Boyle; *for rectifying of this mistake*, the king hath been pleased to pass a warrant under his hand and seal, for amending the writ, and making it to bear the title of lord Clifford of Lanesborough, to be passed under the great seal of England; and that the clerk of the parliaments, in whose custody the first writ is, is hereby directed to deliver the same to his lordship for putting in the title of lord Clifford of Lanesborough.”

‡ Ibid.
Vol. XIV.
p. 307.

In 1794 the house of lords, being informed that the lord Clinton, in proving his pedigree before the committee for privileges, had omitted, by mistake, to insert the names of his lordship's brother, John Trefusis, (a student of Oriel College, Oxon), who was unmarried, and of his sisters, Elizabeth, Anne, and Barbara Crowley, of whom Elizabeth and Barbara are unmarried, and Anne is the wife of Thomas Maxwell Adams, of the island of Barbadoes, esq. It was ordered,§ “That the lord Clinton do deliver in a new pedigree before the committee for privileges, supplying the said omissions.”

§ Ibid.
Vol. XL.
p. 68.

In 1793 it was moved in the house of lords, “That it be referred to the committee of privileges to consider and report to this house, whether, when any title of honour has been conferred on any person by letters patent, under the great seal, to be holden in or with any given rank of peerage, the same specific individual title can be conferred on

another person, to be holden in or with the same or any other rank of peerage, during the subsistence of the limitations of such first grant." This motion being objected to, after debate, the question was put thereupon, and was resolved in the negative.

The circumstance arose from his majesty having created Thomas, viscount Weymouth, marquess of Bath, by patent, dated the 25th of August, 1789; and having afterwards advanced Henrietta Laura, daughter of William Pultney, esq., to be a baroness of the realm, by the same specific title of Bath, in the county of Somerset, by other letters patent, dated July, 1792. The rejection of the said motion was followed by a very well-conceived and spirited protest on the part of the earls of Radnor and Leicester; who, among many most pointed observations, stated, "That, when the duke of Buccleugh obtained from the crown, in 1743, the honour of its recommendation to be restored to the hereditary seat in this house, forfeited by the attainder of his ancestor the duke of Monmouth, that favour was *confined to such titles as were not vested in other families*; and, consequently the title of Monmouth was omitted." But here it is to be remarked, that the said title, after the decapitation of the duke, had been conferred on the family of Mordaunt, in the person of Charles, son and heir of John, viscount Avalon, by Elizabeth his wife, sole daughter and heir of Thomas Carey,* second son of Robert, earl of Monmouth, who had possessed that name of honour before the duke. The said noble earls also stated, that they protested, "Because, upon the doctrine of the hour (for of the hour only we trust it is), the minister, for the time being, stands complimented by the house with a more powerful instrument of mortifying individuals, than any known prerogative of the crown, or, in our opinion, the court of Wards and Liveries itself, ever furnished. The grievances of the latter were heavy, but temporary: the injury occasioned by this modern invention is perpetual, and claimed by its patrons as irremediable."

* Collins's
Peerage.

After this it was moved, that an address should be presented to his Majesty, to represent, among other points, "That the house, forbearing to question the validity of the grant made to the said Henrietta Laura Pulteney, but greatly concerned that his Majesty has been advised to make the same, does humbly and earnestly request of his Majesty, that the same may not be drawn into example, and that the members of this house, honoured by the favour of the crown, may, severally, for the future enjoy unmolested, and exclusively, their several and respective honours." Which being objected to, the question was put thereupon, and resolved in the negative. This again occasioned a further protest from the noble earls before mentioned, which was as follows, *viz.*: "Because, though we adhere to the motion last negatived, and trust that our opinion will prevail, in case a seat in this house, by virtue of this patent, shall ever be claimed, believing the grant to be unauthorized by custom or precedent, and void in law, as it is upon every principle of justice and decorum; yet, as the house had refused to question the power of the crown to confer the title, we waived our own opinion, so far as to endeavour to

induce the house to mediate with the crown graciously to remit the exercise of such power, being, as we conceive, incompatible with the honour of the house, and the vested rights of the individual member."

"The act for regulating the precedency of the peers obviated those grievances which partial or temporary favour might occasion; but the grievance, arising from precedence given arbitrarily, though it had also been given in perpetuity, could not, in any degree, be compared to this. An instance, infinitely short of this, in our opinion, is pronounced by the lord chancellor Clarendon in his history, *to be the most unnecessary provocation he had known*, and, in his belief, the chief occasion of lord Strafford's execution."

This last citation seems to allude to the lord Strafford having taken the title of Raby, from Vane's seat at that place; a circumstance, certainly, very well known.

In 1689 the lord viscount Preston, of Scotland, was attached for claiming privilege of peerage under a patent from king James, after his abdication, dated at St. Germain en Laye, the house resolved,* *that the patent was null and void*, and ordered, that the attorney-general should prosecute him for a high misdemeanour, in claiming to be a peer of the realm, by his pretended patent.

* Collins's
Peerage
Vol. XIV.
p. 338.

Their lordships in various instances, with reference to persons taking upon themselves names of dignities, particularly of Scotch titles, have decided,† that no one shall assume such titles until allowed to them in a due course of law, upon claim made thereto. By analogy, the same rule applies to English honours.

† Ibid.
Vol. XXX.
pp. 119, 131,
191.

By an order of the house of lords, of the 8th of May, 1663, it was referred to the Committee of Privileges to report concerning the introduction of peers by descent, by Garter King of Arms, and such other concomitants as is now used to such as are newly-created peers. The report ‡ contains, among a variety of exemplary matter, the following points; *viz.* "It doth not appear to this house, that anciently any peer was introduced into this house, no, not when created."

‡ Ibid.
Vol. XI.
p. 575-6

"The committee heard at large all *Garter's pretences*, and weighed thoroughly all his evidences, and discharged all that he could say as to any pretence of right, by this bottom of reason. *All right must be founded either upon prescription, which looketh back so far as the time of K. Ric. the I., or upon some parliamentary acts or constitutions.* By the first, *Garter cannot claim*, because that office *had not a beginning* till the time of king Henry V.; and for the latter, let him show that can find it: the committee return a *non est inventus*; and they think their search has been so exact, as may excuse your lordships from the trouble of a *melius inquirendum*.

"In the time of Henry VIII., the eldest son of the then duke of Norfolk was, by that king, created earl of Surrey, when his father, the duke of Norfolk, sate in parliament also. The said earl contended with some others for pcedency, as being the eldest son of a duke: the matter was debated before the lords, but, before a decision, the earl

submitted, and signified it by the lord chancellor, to take his place only by creation; which shows there was no introduction used in those days; for, had there been, that earl could not have been to seek where he ought to sit: 'tis true, *the use hath been upon creation*, and sometimes to such *as come in by descent*, to bring in their writs of summons. The *mistake of that*, (for the introducing of the persons might give *some shadow*), to delude such eyes as were willing, with *Æsop's dog, to catch at any thing for their own advantage.*"

Upon the whole the committee were of opinion *nem. con.*; which was agreed to by the house, and ordered accordingly; *viz.*

First: "That all peers of this realm by descent, being of *the age of twenty-one*, or upwards, have right to come, and sit in the house of peers *without any introduction.*

Second: "That no such peers ought to pay any fee or fees to any heralds, upon their first coming into the house of peers.

Third: "That no such peers may or shall be introduced into the house of peers by any herald, or with any ceremony, though they shall desire the same."

By the second of these resolutions it is noticeable, that the age of twenty-one is mentioned as the age when peers are capable of being admitted to take their seats; yet, in 1667, the earl of Mulgrave, being under that age, had a writ of summons to parliament. This led the house to address his majesty, to beseech him, *to be sparing of writs of this nature for the future*; and the subject was referred to the Committee for Privileges, to report thereon.

It was, however, finally ordered, that, "No lord under the age of twenty-one shall be permitted to sit in this house."*

Every peer claiming, by virtue of a special limitation in remainder, and not claiming by descent, shall be introduced. This resolution † was ordered the 28th of June, 1715.

On restitution, introduction seems necessary. In 1640, the 16 Car. I., the lord Audley was introduced with ceremony, ‡ between the lords Strange and Newnham Paddox; and, as it was upon restitution, his patent was thought fit to be read, which was tested 3rd June, the 9 Car. I.

The nobility of this kingdom, and lords of the upper house of parliament, are, of ancient right, to answer or be examined in all courts, upon *protestation of honour* only, and not upon the common oath. This resolution was made a standing order of the house, 6th May, 1628; § recognized again 31st Dec. 1640, and likewise in 1667. ||

On one of these occasions, the king, having been attended upon by the Lords' Committee of Privileges, his Majesty was pleased to ask their lordships which they considered to be most binding upon their conscience, to answer upon oath, or upon honour?—Their lordships replied, *to answer upon honour*: thus most delicately expressing, how much their words were to be appreciated before the *oaths of common men*! ^a

* Journ.
Dom. Proc.
Vol. XIV.,
p. 10.
† Ibid.

‡ Ibid.
Vol. IV.
p. 57.

§ Ibid.
Vol. III.
p. 782.
|| Ibid.
Vol. XII.
p. 135.

^a Quære, this the origin of the adage, *My word is my bond*?

REMARKS WITH REGARD TO THE TRIAL OF PEERS.

In the time of William the Conqueror, the earl of Hereford, for conspiring to receive the Danes into England, and depose the king, was tried by his peers, and found guilty of the treason,* *per judicium parium suorum*. In the time of Edward II. Edmund, earl of Arundel, was beheaded and attainted without trial; but Richard, his son, in the following reign, was restored to his father's earldom: and the lords declared, that earl Edmund had been put to death illegally, not having been tried by his peers, according to the law and *Magna Charta*.†

* 2 Inst. 50.
† Mag. Ch.
c. 29.
15 Edward III
c. 2.

In the reign of Henry VI. the duke of Suffolk, being accused of high treason by the Commons, put himself upon the king's grace, and not upon his peers, and the king alone adjudged him to banishment: but he sent for the lord chancellor, and all the lords that were in town, to his palace at Westminster, and also the duke, whom, in their presence, he ordered to quit the kingdom. The lords, however, entered a protest to save the privilege of their peerage, as the act of the king was deemed an illegal sentence of banishment, made extra-judicially, and without any lawful trial.

The case of the lord Cromwell, in the time of Henry VIII., was particularly extraordinary, inasmuch as he was attainted in parliament, and condemned and executed, without being allowed to make any defence.

In Salkeld's Reports, it is stated,‡ “that a person petitioned the lords in parliament to be tried by his peers: the lords disallowed his peerage, and dismissed his petition;” and it was held in this case, that the defendant's right stood upon his letters patent, which could not be cancelled but by a scire facias, and that the parliament could not give judgment in a thing which did not come in a judicial way before that court.§ This was in the case of Mr. Knollys claiming to be earl of Banbury, (temp. William and Mary. ||)— But the report in Salkeld is not correct; inasmuch as the lords did not disallow his peerage, the petition not calling upon them to decide upon the question of right; but, by reason that the house of lords had no original jurisdiction over the right of a peerage, except incidentally, as for purposes of privilege and precedency, and could not take judicial cognisance of such a right, without delegation, by reference from the king, on petition made to his majesty by the claimant, the house dismissed the petition before mentioned, because it was not made for an adjudication on the petitioner's right to the Banbury earldom, but was merely for his being tried as a peer, a rank to which he had not previously been admitted, and which was, in fact, a point not established, and not on the journals of the house.

‡ 3 Salk. 243.
§ 2 Salk.
|| An. 1692.

On the trial of peers in criminal matters, all the peers, who have a right to sit and vote in parliament, are to be duly summoned twenty days at least before the trial, to

appear and vote at the same ; every such peer first taking the oaths required by the act 1 William and Mary, &c. When the peer has been indicted for the treason or felony, before commissioners of oyer and terminer, or in the King's Bench, if the offence be committed in Middlesex, then the king by commission under the great seal, constitutes some lord (generally the lord chancellor) lord high steward^a or judge for the particular occasion : and the peers of the realm are, by the commission, commanded to be attendant on him, as also is the lieutenant of the tower of London, with the prisoner. A certiorari is awarded out of the Chancery, to remove the indictment before the high steward ; and another writ issues to bring the prisoner, and the lord high steward makes his precept for that purpose, assigning a day and place, as in Westminster hall, inclosed with scaffolding, &c. ; and for summoning the peers, who are to be twelve, and above, at least present. At the door, the high steward takes his place under a cloth of state ; his commission is read by the clerk of the crown, and he has a white rod delivered him by the usher, which being returned, proclamation is made, and command given, for certifying the indictment, &c., and for the lieutenant of the tower to return his writ, and bring the prisoner to the bar : after this, the serjeant-at-arms returns his precept, with the names of the peers summoned, who are called over, and answering to their names, are recorded, and take their seats accordingly. The ceremony thus adjusted, the high steward declares to the prisoner the cause of the court's assembling ; the clerk of the crown reads the indictment, and arraigns the prisoner ; and the high steward delivers his charge to the noble jurors. This being over, the king's counsel produce their evidence for the crown, and if the prisoner has any matter of law to plead, he shall be assigned counsel ; but if he pleads Not guilty, and has nothing further to allege, he is not allowed counsel ; for the court is considered to be all-component in that respect, and impartial and just in its adjudication.

After the evidence is closed on the part of the king, and the prisoner's defence is heard, he is withdrawn from the bar, and the lords, who are triers, retire to their own chamber, to consider of the evidence : but the lords can admit of no evidence otherwise than in the hearing of the prisoner : they cannot have conference with the judges (who attend upon the lord high steward, and are not to deliver their opinions beforehand), but in the hearing of the prisoner ; nor can they send for the opinion of the judges, or demand it, but in open court ; and the lord high steward cannot collect the evidence, or confer with the lords, but in the prisoner's presence, who is at first to require justice of their lordships, and that no question or conference be had only before him. Nothing is

^a This office was anciently annexed to the tenure of the manor of Hinckley, in Leicestershire, and came to the crown with the earldom of Leicester, in the person of Henry duke of Lancaster, afterwards king Henry IV. On the trial of the earl of Strafford, (temp. Car. I.) the lord steward of the king's household was appointed and sate as lord high steward.

to be done in the absence of the prisoner until the lords come to consider of their verdict; and then, if they retire, they are to be together, as juries are, till they are agreed.

When they return into court, and take their places, the lord high steward publicly demands (beginning with the puisne lord) whether the prisoner be guilty or not of the charge whereof he stands arraigned.

Their lordships having answered, *upon their honour*, and the prisoner having been found guilty by a majority of votes (more than twelve), is brought to the bar again, when the high steward acquainting him with the verdict of his peers, gives judgment, and passes sentence accordingly: after which an *O yes!* is made for dissolving the commission, and the white rod is broken by the high steward, and the solemn and august court is broken up.*

* 2 Hawk.
P. C. 421.
422, &c.

The lord high steward does not vote himself on a trial by commission, but only on a trial by the house, while the parliament is sitting. When a peer is tried by the lords in full parliament, the house may be adjourned as often as there is occasion, and the evidence may be taken by parcels; and it has been adjudged, that where the trial is by commission, the lord high steward, after a verdict given, may take time to advise upon it; and his office continues till he has given judgment. But the lord's triers may not separate upon a trial by commission, after the evidence is given for the king; for it has been resolved by all the judges, that the peers, in such case, must continue together till they agree to give a verdict.†

A peer of the realm, arraigned in parliament, must be tried before a lord high steward, and, if he appear not, he shall be outlawed: and he cannot waive a trial by his peers; for, if a peer, on arraignment before the lords, refuse to put himself upon such trial, he shall be proceeded against, as one who stands mute. But, if one, who has a title to a peerage be indicted and arraigned as a commoner, and plead not guilty, and put himself upon his country, it hath been held, that he cannot afterwards suggest that he is a peer, and pray trial by his peers.‡

† State
Trials,
Vol. II.
p. 702;
Vol. III.
p. 657.
2 Hawk. 425.

The sentence against a peer for high treason, is the same as against a common subject, though the king forgives all but beheading; which is a part of the judgment. For other capital crimes, beheading is also the general punishment of a peer, which is by the special grace of the king, and not *ex debito*.§ Thus, in the 38 Hen. VIII. the lord Dacres was attainted of murder, and had judgment to be hanged. Also in the 3 & 4 Phil. and Mary, the lord Stourton, for a like offence, had the same judgment; which sentences were both executed. And the 34 Geo. II., Lawrence, earl Ferrers, was hung at Tyburn for the murder of his steward. If execution be not performed, the lord steward may by his precept command it to be done.||

‡ 3 Inst. 30.
Kel. 57.
Dalis 16.

§ Brook.
tit. Jury, 48.

|| 3 Inst. 31.

When a peer of the realm is arraigned in appeal of felony, he shall not have the privilege to be tried by his peers, as he should in case of indictment, but must undergo the ordinary trial¶ of twelve men. Also, in case of indictment, though a peer of the realm

¶ Stamford
Pleas of the

Crown.
lib. 3. c. 1.
Brook, 142.
Ferdin Poul-
ton, 188. b.
Book of
Entries, tit.
Appeals,
sect. 7

he may not challenge any of his triers, either peremptorily or upon causes, which, in like case, is permitted to all other common persons.

FORM OF THE PROCEEDINGS ON THE KING'S WARRANT FOR SUMMONING OF A PARLIAMENT.

* Pettus on
Parliament,
edit. 1680.

THE king, by his prerogative, has in himself the power of summoning, as also to appoint the times of beginning, continuing, discontinuing, or dissolving of parliaments.*

This summoning is performed by the king's warrant, in his name; and by his authority; and from this warrant all writs of summons for a parliament are derived.

The warrant is in English, signed by the king's own hand, and sealed with his privy seal, or signet. But the writs are always in Latin, (or anciently some few in French), and are sealed with the king's great seal in his name, with a teste of his approbation, though not manually signed or sealed by him.

The warrant is general; viz. for summoning the nobility: as also, for the election of knights, citizens, and burgesses. But the writs derived from these warrants are to particular persons, of particular degrees. Before this warrant was issued, the kings advised with their privy council, which is manifested by the words of the warrant; viz. "*Whereas We, by our Council, &c.*" Yet, if these words had been omitted at any time, the warrant was still held good and sufficient for due summons.

The council so called privy, is the king's constant or standing council, as well in time of parliament as when there is none sitting: so as before a parliament is summoned, this privy council consults and deliberates concerning the motives and reasons for calling it; and, after such deliberation, advises the king to issue the warrant.

After the warrant is signed and sealed by the king, it is sent from the Signet office to the lord chancellor, or lord-keeper, who upon receipt thereof, issues out his warrant: also to the master of the Rolls, who likewise, upon receipt thereof, (as the chief clerk of the Petty Bag office), by the assistance of the former precedents, of writs, (and formerly by the help of the masters in Chancery), and by advice with the heralds as to titles and true names of persons, causes a schedule or digest of form of writs to be issued.

This schedule or digest is fairly engrossed on parchment, as a record in this office; and this record is then entitled *The Parliamentary Pawn*, which is, as it is said, the awarding of several writs for a parliament.

Formerly these *pawns*, or *records*, some time after the dissolution of every parliament were carried to the Inrolment office, and then, among many other parliamentary matters *transcribed* into parchment rolls, and from thence, for more safety, carried to the Tower

where they lost *the name of pawns*, and were, and are still called *Parliament Clause* (or close) *Rolls*.

It is to be observed, that, in the writs to the dukes, they were summoned to be present in parliament, *cum magnatibus et proceribus*; and so are the marquesses, earls, viscounts, and barons: yet the patents to the dukes place them, *inter proceres et magnates*, or lords,—putting *proceres* or *peers* before *magnates* or *lords*. And in the patents to marquesses, they are placed *inter alios marchiones*; the earls, *inter alios comites*; the viscounts, *inter alios vicecomites*; and the barons *inter alios barones*.

But none of the lords *patentees*, (except the dukes, in relation to their places), take any notice of the position *inter proceres et magnates*. For the earls' and barons' patents have reference only to *their own degrees*, and not to the three other degrees; so as *proceres* or *peers* is applied, as it would seem, only to the dukes, in their patents of creation.

FORMULÆ OF PRACTICE ON CASES OF PEERAGE CLAIMS BEFORE THE ATTORNEY-GENERAL AND THE LORDS' COMMITTEES OF PRIVILEGES.

On all cases of claim^a to the peerage dignity, a petition to his majesty must be presented by the claimant at the office of the Secretary of State for the Home Department, who endorses thereon an order of reference from his Majesty to the Attorney-General, which is usually made in the following words; *viz.*

“ Whitehall,———

“ His Majesty is graciously pleased to refer this Petition to Mr. Attorney General, to consider thereof, and report his Opinion what may be properly done therein: whereupon his majesty will declare his further Pleasure.

“ SIDMOUTH.”

But though this is the general practice of the present day, it was not always so; for some petitions made formerly, were referred by the king to special commissioners, as in the Wahul and Berner's cases, (temp. Jas. I.) In the Berner's case, anno 1717, to the

^a In the report by the Lords' Committee to inquire into all matters relating to the state of the peerage; it is thus mentioned, *viz.*: whoever has claimed a Dignity, has sued for it to the Crown by Petition, which is in the nature of a Petition of right, now commonly referred by the King to the house of lords, for the advice of the house what ought in justice to be done upon the petition. This mode of proceeding is necessary because if the right heir has not possession of the dignity, it is in possession of no one. It is not in the King's hands; and the ordinary proceedings, if the King upon misrepresentation seized lands entailed to the prejudice of the person entitled to the lands by force of the entail, would not apply.

Earl Marshal, and also to the Attorney-general; and sometimes to the Lords' Committees for Privileges, as in the Roos and Fitz-Walter cases, annis 1666 and 1667; and in the barony of De Clifford, anno 1690,

In the instance of Mr. Wymbiah, claiming to be (by courtesy) lord Taylboys, king Henry VIII. himself, with the two chief justices—Dr. Gardiner, bishop of Winchester, and Garter King of Arms—heard, and decided upon the claim.*

* Collins's
Parl. Prec.
p. 11.

The petition should set forth the nature of the creation of the title claimed, and the course of descent through which the claimant assumes to be heir, which heirship must not be to the person last seised of the honour, but to the person first ennobled, unless there are special limitations in the patent, or charter of creation, in which respect, the said limitations or entail must be specifically noticed and followed.

After the reference has been made to the Attorney-general and the order left in his office, he is attended (upon an appointment made) by the counsel and agent of the claimant, and the evidence is submitted to his consideration: before him, office-copies of public records, wills, &c. are sufficient; copies of parochial registers, signed by the ministers, and monumental inscriptions, &c., certified by affidavit of the persons who made them, are received.

† Coram
Dom. Proc.
1795 & 1796.

Extracts from the archives of foreign monasteries, &c. were admitted in the Beaumont† and Stafford cases, upon the oath of the person who had made them, that they were correctly and faithfully taken. A monumental inscription, once existing in a monastery in France, was allowed (in the Beaumont case) to be read from a printed book, entitled, "*Memoires des Constitutions des Benedictins Anglois*," on its being proved, that there was still remaining in the said monastery a stone, on which, though then applied to other purposes, and in great part defaced, were still legible letters exactly corresponding with the incipient letters of several lines in the printed inscription.

‡ Somerset
case, cum
mult. aliis.

Depositions on oath have been received by the Attorney-general;‡ inasmuch as that officer can neither examine parties on oath, nor compel the attendance of reluctant witnesses. But depositions are not receivable before the house, where the parties are alive, and are under no incapacity of attending; for their attendance can be enforced by the order of the house.

Where a second petition is presented and referred, though no new matter is alleged, it has been decided that the Committee of Privileges could not be guided by what had been done by any former committee, and, therefore, that all the evidence must be given again, except in the case of parole testimony, where the witness was dead; and then, upon proof of such death, the former evidence might be read. Thus, Mr. Stapleton having received the opinion of the house of lords, that he was not sole heir to the barony of Beaumont, claimed by him on the ground that the blood of the other co-heir was attainted, and, as such, dead in law, the same as if the party had died without issue,—

presented a second petition, to be declared one of the two co-heirs: the petition, like the former, was referred, first to the Attorney-general, and then to the house of lords, when their lordships resolved as before mentioned.*

On the Berkeley peerage claim,† in 1810, the Attorney-general (Sir Vicary Gibbs) thus expressed himself in his report; viz. "I was also informed, that the petitioner had much *parole testimony* to bring forward, for the purpose of explaining the fact of this second marriage, and establishing the validity of the first. Under these circumstances, *having no power to examine* the witnesses, who might be called before me, *upon oath*; and seeing that, *without such an examination*, the validity of the first marriage, upon which the claim of the petitioner altogether depends, cannot be brought to a satisfactory decision, I have followed the usual practice of my predecessors in office, where the case before them has been attended with doubt or difficulty, and humbly advise your Majesty to refer the annexed petition to the house of lords."

From this inability to examine upon oath, it is manifest, that depositions are the best evidence of parole testimony, which, in the first instance, can be brought forward; for, although the parties are not liable to an indictment for perjury on a voluntary affidavit, yet the solemn manner in which the affidavit is sworn, cannot but be considered as a correct and deliberate declaration of the deponent's knowledge of the points in question, and, consequently, more satisfactory than a personal examination, where no oath can be administered. These depositions being left with the Attorney-general, they are (provided the case goes before the house of lords), afterwards required to be verified before the Lords' Committees of Privileges; and the deponents being then sworn at the bar of the house, are examined as to the facts asserted by them, and thenceforth, on prevarication, are open to indictment. In the Berner's case,‡ the house being informed that colonel Thomas Earle, was at the door, and desired to *prove his affidavit* of the death of captain Thomas Glemham, in order to be made use of at the Committee of Privileges (to whom the claim was referred), he was thereupon called in, and *owned the same at the bar*, and then withdrew.

The report of the Attorney-general may, in some instances, be final and conclusive, as was that of Sir Samuel Shepherd on the claim of Mr. Hastings to the title of earl of Huntingdon in 1819; and of Sir Robert Gifford in 1823, on the claim to the title of lord Dormer.

When the Attorney-general reports for a further reference to the house of lords, the form of granting it is thus; viz. "His Majesty has been pleased to refer the said petition, together with the said report of the Attorney-general, to the right honourable the House of Peers, to examine the allegations thereof, as to what relates to the claimant's title therein mentioned, and to inform his Majesty how the same shall appear to their lordships."

* Journ. Dom. Proc. 1795-6.

† Printed case, Cor. Dom. Proc.

‡ May 2. 1720. Cor. Dom. Proc.

After this reference, and the same has been moved in the house of lords, and by them referred to their Committees for Privileges, the claimant's printed cases, signed by two counsel at least, must be sent to the clerk of parliament for the use of their lordships, fourteen days before the sitting of the committee: their lordships are then to be moved, on petition, to appoint a day for hearing the case in their committees; on this occasion, original wills, the parish register-books, and the records from the public offices, must be all produced by some officer from the respective depositaries, and an order of the committee should be moved for, to be served on the respective parties for their attendance, and production of the original documents and instruments wanted. The usual form of an order of this kind, is as follows:—

“Die —, 18 .

“Ordered by the Lords Spiritual and Temporal in Parliament assembled, that the Reverend — do attend on — next, to be sworn, in order to give Evidence, and produce the original Registry-Books of Baptisms, Marriages, and Burials of —, on — next, before the Committee for Privileges, to whom the petition of —, claiming the Barony of —, with his Majesty's Reference thereof to this House, and the Report of his Majesty's Attorney-general, thereunto annexed, stands referred.

A. B. Cler. Parliamentor'.”

When the counsel for the claimant has opened the case, the evidence on his behalf has been completed, and his counsel has summed up the same, the Attorney-general (who always opposes on the part of the crown), is heard in answer thereto, and when he has concluded his objections, the leading counsel for the claimant makes his general reply.

Whereupon their lordships, having considered as well of what was offered by the petitioner's counsel, as by the counsel on his Majesty's behalf, and the several proofs adduced on the case, resolve that the petitioner has, or has not proved his claim; and has or has not a right to the peerage in question. This report having been read, and agreed to by the house, it is then resolved and adjudged by the lords spiritual and temporal in parliament assembled, that the said *A. B.* hath a right, or hath not, to the said barony of C—.

It is then ordered, that the lords with white staves attend his Majesty with the said resolution and judgment, who, having so done, afterwards report to the house his Majesty's approbation of their lordships' resolution and judgment.

REFERENCE TO CASES AT COMMON LAW, &c., AS TO POINTS OF EVIDENCE
IN SUPPORT OF PEDIGREE.

1. Exemplifications of letters patent, 3 Woodd. 324, 3 & 4 Edw. VI. c. 4; 13 Eliz. c. 6.

2. Grant of land before inquisition void, 18 Hen. VI. c. 6.
3. Bankruptcy does not affect the estate, 21 Jac. I. c. 19. s. 12.
4. A general history of a public matter. Woodd. 322; 1 Salk. 281; Skin. 15. 624; 12 Mod. 86; T. Jones, 164; Burn's Ind. 155. pl. 3; Bull. N. P. 248.
5. The rolls or ancient books of the Herald's office. 1 Salk. 281; T. Jones, 224; Cowp. 63; Str. 161; 3 Woodd. 321; Bull. N. P. 248.
6. The original will or ledger-book, proof of relationship. Raym. 744; Bull. N. P. 246.
7. Proof of heirship to person last seised. 8 Co. 88. b.; Bull. N. P. 116.
8. Comparison of hand-writing and seals. Bull. N. P. 236; Hard. Ch. Dec. 1746; Mod. 117; Lev. 25; Palm. 427; Bac. Abr. 660; Bull. N. P. 252; 3 Woodd. 329. By inspectors of franks. 4 T. R. 497; 4 Esp. 117.
9. Affidavits of persons deceased, where extra-judicial and the party deceased. Str. 35; 3 Woodd. 311. Where Hearsay, and the party refused to be sworn. 2 Term. Rep. 203-4. n.; 3 Woodd. 311. n.
10. Declarations of uninterested persons who are dead. Burr.; Settl. Cases, 243. 701; 3 Term. Rep. 720, *Ashurst*, j.; 2 Bac. Abr. 663.
11. Declarations of members of a family, and others who are intimate. 3 Term Rep. 721, *Kenyon*, c. j.
12. Entries in bibles, and tradition. 1 Cowp. 591-10; East, 120, *Le Blanc*, j.
13. * Hearsay and reputation. Bull. N. P. 294; 3 Term Rep. 709, *Grose*, j.; 3 Term Rep. 719, *Buller*, j. Though from a stranger. 15 East, 293. By a relation.
14. Letters of a steward deceased, to explain a deed. 1 Barn. & Ald. 247.
15. Documentary, wills, declarations of relations. 18 Ves. 445, *Eldon*, C.
16. Secondary evidence. 13 Ves. 143, *Erskine*, C.
17. Presumptive in matters of antiquity. 12 Ves. 265-6, *Erskine*, C. Of enfranchisement against, and grant from the crown, 11 East, 280. 488; Cowp. 102, and 1 Fonbl. E. 329; Cowp. 217; Burr. 433. Of formal ceremonies; as Livery, &c. 2 Freem. 106, and 1 Vern. 32. 195; 2 Vern. 516; 3 Brown. 516; Cowp. 595; 2 Bac. Abr. 660. Of death without issue. 1 Black. Rep. 404; 2 Black. 1228; 1 Term Rep. 270 4 Term Rep. 682; 11 Ves. 350.

In the Huntingdon peerage claim before the Attorney-general, letters from a former earl to the then claimant's father, *proved by comparison of hand-writing with the signature to the will of the same earl*, were received in evidence. Also, the affidavits of a stranger, as to the reputation of the county in favour of the claimant's descent and family connexion, were received as evidence to confirm the pedigree, and the like affidavits to prove other facts.†

It may not be irrelevant to observe, that the same rule, with regard to evidence, has not been followed by every Attorney-general; one sometimes requiring what his predecessor had rejected.‡

* Doe. v. Lord.
2 Blak. Rep.
1099-10 East.
120

† Bell's Earld.
of Hunts, pp.
348-359.

‡ Montague &
Leigh Cases.

THE FOLLOWING OBSERVATIONS WITH REFERENCE TO PAROCHIAL REGISTERS,
THEIR ADMISSIBILITY, AND UTILITY MAY DESERVE NOTICE.

THESE registrations generally constitute a material point of evidence in peerage claims, and claims to property; and there has been scarcely any case in which these records have not been more or less referred to. The lord chief justice Best in his charge to the jury, in the case of the Attorney-general *v.* Oldham, observed, "All the property in this country, or a large part of it, depends on registers; and we must see our way clear, before we shake the authenticity of registers."

In questions of legitimacy, however, it is to be observed, that the entry of the baptism of a child, who is described as the son or daughter of James Jones, and Mary his wife, would not be evidence of legitimacy, for it may have been so entered of a child born before the marriage of the said parties; but provided the day of birth were added, then it might be evidence, because the time of marriage of the parties might be ascertained by reference to its registration. The marriage is first requisite to be shown; and then the baptism, or rather birth of the child; for it might be born, long before baptism, which is no unfrequent case.

To prove the fact of death, the register of burials is generally produced; but it not uncommonly happens that families are scattered abroad, and if persons of no high consideration in life, have not kept up correspondence with their friends, or connections at home; and therefore their existence or death is unknown: in such instance, reputation of their having gone abroad, and not heard of subsequently, becomes the only evidence, or rather presumption of their decease;* and in *Dore v. Jesson*,† the court held that absence for seven years was sufficient.

The register of the navy office has been admitted evidence to prove the death of a sailor;‡ and similarly the returns of the war office, may be deemed evidence of the death of a soldier.*

With respect to the Fleet, May Fair, and other irregular places of marriage, it is to be remarked, that in the case of *Dore ex. dem. Orrell v. Maddox*, lord Kenyon, in summing up, observed, "That he admitted in evidence the register of the Fleet marriages, because former judges had done so; but he desired that his having done so, should not be understood, as thereby sanctioning their admission; nor should his authority be cited in future for that purpose, as he was of opinion they were liable to many objections."—

* There can be no burial registers of those who fell at Waterloo; nor those who were lost on board the *President Steam Packet*; the place in which she was lost being unknown, or by what misfortune the catastrophe occurred.

* Peake on Evidence.
† 6. East. 80.

‡ Bull, N. P. 249.

And in *Read v. Passer*,* his lordship, after referring to what took place on the above occasion, said, that "in a case at Shrewsbury assizes, in 1794, the Fleet registers had been admitted by Mr. Justice Heath; but notwithstanding his respect for that learned judge's opinion, he thought himself bound to dissent, and to give it as his settled opinion, that they were a species of evidence which ought never to be admitted."†

* Peake, N. P. c. 231.

In a case before lord Hardwick, where a book of this sort was offered in evidence, he tore it, and said, such evidence should never be admitted in a court of justice, and that lord C. J. de Grey had been of the same opinion. In the case of *Lloyd v. Passingham* in 1809,‡ lord Eldon said, "I give no opinion that the Fleet register is evidence as a register; but I am not prepared to say it may not be received as evidence of a fact, and I can suppose a case in which such evidence might be received,—on a question of pedigree would not that entry be admitted, not *as a register*, but *as a declaration under the hand of a party*?"§

† 16 Vesey 50

In *Northey v. Cook*, the marriage in question took place before the marriage Act, when marriages were not solemnized, or registered with the regularity required by that act. In this case it was stated, that to hold the certificate of the marriage registry indispensable, would be absurd; reputation, cohabitation, and mutual acknowledgements sufficiently proving such a marriage. The marriage act having been repeatedly held not to take away the ancient mode of proving a marriage by presumptive evidence:‡—and lord Kenyon, in a case at *nisi prius* said, that though the marriage act introduced a register of marriages; yet registration made no part of the validity of a marriage, but only went in proof of it.§

‡ Vide Bl. 1. Rep. 367.—
Douglas 171.

§ Rep. 1. 214.

In the case of the Attorney-general *v. Oldham*, counsel objected to the evidence of bishop's transcripts, as being *copies*, not *duplicates*; but baron Gurney considered he was bound to receive it, because it came from the proper custody, and purported to be an

* Charles, Duke of Bolton was married to Mrs. Mary Brown, at May Fair Chapel,—the entry was abstracted,—the cause is well known. The duke's demise, by his own hands, followed not long after. His daughter by Mrs. Brown, was the mother of the present Lord Bolton.

† In the claim to the Barony of Say and Sale, by the father of the present Lord, the marriage of Colonel Twisleton, the claimant's father, depended upon a Fleet register; but which was supported by reputation, cohabitation, and the testimony of several persons of high distinction, who visited his family, and would not have so done, had they not believed the Colonel to have been married.

‡ The Editor has here to mention, a circumstance probably never yet known to the public. William, Viscount Poultny, only son of William, Earl of Bath, (who died *vitâ patris*), was married at the Fleet to a woman of very low degree; and shortly after, being sorry for his imprudence, mentioned what he had done to his (the editor's) late father, who was very intimate with him. It was then agreed upon between them, to endeavour to get the registration erased; for which purpose the editor's father went to the Fleet clerk, and offering him a guinea for the erasure; the clerk tore out a whole leaf, on which were entered many more marriages. Some years ago, a person assumed to be the son of that marriage, and laid claim to a considerable part of the Bath estate, which led to the editor's father mentioning the circumstance.

instrument required by law to be deposited there; and that the object of these transcripts would be lost, were they not receivable in evidence.

Upon a question of pedigree, (*Walker v. Wingfield*—18 Vesey 443.) lord Eldon observed, that the canon provides the mode in which registers are to be kept, and according to the sort of registers that are received, it is difficult to say why the Fleet registers are rejected. It is difficult to say upon what principle a copy is received, except that the register cannot conveniently be spared from the place where it is supposed to be deposited. I know, continued his lordship, that instances have occurred of an estate being recovered by producing the copy of a register, when no credit was due to the original,* and am satisfied, that the security of title is best preserved by the production of the original register, and not admitting a copy, than by any other rule guarding the inheritance.

In a case, "*the King v. Clapham*" (4 Carrington and Payne, 29) that an entry of the day of baptism of a person, and the day also on which such person was born, it was observed by lord Terterden, C J., to be no evidence of birth, but a proof of baptism.

In claims to English Peerages, the Rule of the House of Lords has been ever since the Chandos case, not to receive copies of registers, but to require the original parochial registers to be produced, excepting that the same rule, has not yet been applied to Scotch and Irish peerage cases, in which copies have only been taken and received *de bene esse*.*

* *Marchmont and Roscommon Cases*, common DomProc.

There was a person professing to be connected with the family of Derwentwater, who, on an occasion produced the supposed copy of a register which gave him a connection with that family, and a claim to a very large estate. The case went on for some time, and the register was conceived at the College of Arms to be genuine; but at last the original was seen, and the copy had no validity.

The Visitations in the College of Arms, have frequently been brought forward in evidence of family descent. But these visitations differing often from each other, according to the times they were made, are not always deserving much credit. The following copies of one in 1612, and of another in 1665, respecting the family of Stapleton, may serve as a specimen of contradictory statements: when these kind of genealogical documents, composing what are called the Records of the College of Arms, are brought forward on peerage claims; it seems that it would be expedient not to rely upon any one, without ascertaining whether there was any other relating to the same family.

The fabrication made by young pupils, has probably been followed by them, from the practice of their old masters: or why should apprenticeship to a calling be necessary unless it were to learn the art, and mystery of that calling?

* Even where an original Parochial Register, or one purporting to be so, is produced, it might be well to require also the bishop's transcripts, to see how far they corresponded; for in many instances they have been found not to agree, whereby false entries in the parochial entries have been detected.

Nicholas Stapleton =

Miles Stapleton = Sibel daughter of John Bellow.

daughter
Richmont.

Sir Gilbert = Agnes daughter and coh. Sir Thomas Sheffield, knnt.
Stapleton. of Bryan Fitzalan. (second husband.)

& coh. of Sir Miles Stapleton = Catherine, . . . = Sir Bryan Stapleton = Alice, d.
ingham of Nor- ton. d. of Thos. (1st, ton, K. G. & h. of Jo.
olk, (1st wife.) of Norfolk, de la Pole. wife) Stapleton of Philibert
ingham. (2nd. wife) Carleton. (2d. wife)

Metham. Sir Miles = . . . d. & h. of Sir Bryan = Elizabeth, d. and coh. of
tham. Stapleton, Robt. Ufford. Stapleton Sir William Aldburgh.
(From this match descended
Stapleton of Carleton.)

Sir Bryan Stapleton = . . . Pellowe.

. . . d. of de la Pole, Earl of Suffolk.

Sir Bryan Stapleton =

Chr. Harcourt. = Jane, or Joan Staple- = John Huddleston. Miles Stapleton, esq.
(first husband.) ton, d. and coh. (second husband.) died s. p.

Richard. Edmund. Elizabeth.

John Huddleston.

.... Stapleton

Sir Miles Stapleton, of Wighill=...

1.—Gilbt., ob. s. p. 2.—Sir Nicholas Stapleton.=Sibel daughter & heiress of John de Bella aqua. 3.—Gilbt.

1.—Sir Miles Stapleton, one of the founders.....(so) to John, Duke of Brittainie and Richmond. a 2.—Gilbert, a Priest.

1.—Sir Nicholas Stapleton=... 2.—Sir Gilbert Stapleton=Ann, d. & coh. of Sir Bryan Fitz-Alan of Bedale.

Thomas Stapleton, died s. p. Elizabeth=Sir Thomas Metham, of Metham.—~~Metham~~ Sir Bryan Stapleton, K.G.—Stapleton of Carlton. ..d. & coh. of Sir John St. Philibert. Sir Miles Stapleton of.. in Norfolk.—Stapleton of Norfolk.

Sir Bryan Stapleton.....d. & h. of Sir William Aldburgh, knt. Sir Miles Stapleton of Wighill. John, ob. s.p. Sir Miles Stapleton of Norfolk.

(Stapleton of Carlton.) (Stapleton of Wighill) Sir Bryan Stapleton.

Sir Miles Stapleton=

Elizabeth, daughter and co-heir=Richard Harcourt. Joan, daughter and co-heir=Sir Philip Calthrop.

* This statement, though made in this Visitation, and similarly in a Pedigree in possession of the Editor, is very questionable.

AN ACCOUNT
OF
DIVERS EMINENT PERSONS

WHOSE NAMES ARE MENTIONED IN DUGDALE'S PRINTED LIST OF SUMMONS
TO PARLIAMENT; BUT WHOSE FAMILIES ARE NOT NOTICED IN THE
BARONAGE, OR PEERAGE HISTORY, OF THAT CELEBRATED
HERALD, OR OF ANY OTHER GENEALOGICAL WRITER.

PRELIMINARY OBSERVATIONS.

IN presenting to the public the following account of some very eminent persons, of whom no mention has been hitherto made in any genealogical work, it is to be observed, that Sir William Dugdale, in his Preface to his celebrated Baronage, has stated; *viz.*

* Rot. Vasc.

“But to point out who they were that had their first rise by writ of summons until* the 22 Edw. I. and afterwards, passeth my skill, there being no public record that doth make mention of them till then, excepting^a that of 49 Hen. III., which only taketh notice of those who were in the king's name summoned by the rebellious barons to that parliament which they held, whilst he was their prisoner.

“Perhaps it may be doubted by some, whether every family, of whom I have discoursed in this first tome, were strictly barons by tenure or not, because nothing doth appear by inquisition, of some, that they held by barony, or by any other memorial of their reliefs; to satisfy, therefore, the curiosity of such, I say, that, having found, from the notes of some former judicious antiquaries, that they were so reputed, I deemed it a safer error to take notice of them in that qualification, than by their omission tacitly to conclude them otherwise.”

^a The writ of the 45 Hen. III., with the names of those who were then summoned to attend a parliament or great council, called by the king to meet at London, presents rather a disapproval of this assertion with regard to the silence or deficiency of the public records.

Now, by these precursory remarks, it is evident, that Dugdale was by no means ascertained as to *the quality* of the parties forming the subject of the early part of his history, and has therefore given place to some who probably had no right to such distinction; while he has omitted others who ought to have been noticed, and has done all this at the same time that he was giving reasons for making, as it were, a *general comprehension* of baronial families.

On referring to divers persons mentioned by that famous herald, it certainly will be evident, that several of them had less reason for being treated of, than some of those who stand mentioned in the following pages, for being passed over in silence by him. Indeed, it is not a little singular, that Sir William should have recited, in what is termed his *Lists of Summons to Parliament*, many writs, as the 24, 26, & 29 Edw. I., the 1 & 35 Edw. III. (which, in fact, are only writs of service), while he has left out innumerable others between the 6th of king John, and 22 Edw. I., which were equally as much entitled to have been set forth. If he meant to intimate that those persons who had summons, from the 49th Hen. III. and 22d. Edw. I. had their writs addressed to them in the character of barons, then ought they to have been noticed by him in such character: but, if the writs of summons were not addressed to them in the said degree, and were not summonses to parliament, but merely summons of service, then were they as irrelevant to recite, as those which for that cause previous to 49 Hen. III. he has suppressed.

Thus, in his said lists, he has not given that writ of 45 Hen. III., by which the king summoned his faithful nobles to assemble at London, to consult with him upon the then perturbed state of the nation, and to do those things which might be most expedient and fitting for the occasion; which summons not only has the names of those persons who by the consimilar writ were required to attend, but has words of legislation in it, which are not contained in those of the 5, 24, 26, and 29 Edw. I., or of the 1, and 35, Edw. III.: the copy of the writ itself will, however, best explain its import and nature.

Anno 45 Hen. III. Rot. Claus. m. 3 Dorso.

“Rex Wiffo de Bello Campo de Aumerl, salū mandamus voſ in fide & homagio quib; noſ tenemini firmit̃ inſungentes qđ omnib; aliis p̃termiſſis ad nos ſitis Lond. in cras-
tino Ap̃toꝝ Simonis & Jude Abſq; difone ul̃tiori cum equis & armis & cum poſſe ṽro tam de ſervicio ṽro noſ debito quam de ſubveñcoe amico; ṽro; pro quib;dam urgentib; nego-
ciis p̃ſonam ñram ſpecialit̃ & ſtatum corone ñre contingentib;. Et hoc ſicut de ṽra fidelitate & dilec̃coe confidentiā g̃imus, ſpeciale nullatenus omittatis. Quia ſubveñcoem quāſ noſ & corone ñre p̃ter ſerviciū noſ debitum ad p̃ſens fecitis in conſequenciā trahi nolumus, nec voſ p̃ hoc ullo tempe derogari. Tali; vos heatis in hac pte qđ dco die abſq; defalta ad nos ſitis, itā qđ voſ exinde perpetuo teneamur ad grates. T. R. apud turrem Lond̃ xviii die Octobr̃.”

Eodem modo mandatum est :

Pho Basset	Johi Estrange Senior
Wifmo Mauduit de Helmsley	Robo de Nevill
Henř de Pynkeny	Nicho de Bolteby
Wiffo Marescallo	Riçõ de Tani
Robo de Sçõ Johie	Wiffo de Kaynes
Reginaldo de Pavely	Wiffo de Furnival
Riçõ de Munfichet	Nicho de Bolevill
Mauř de Berket	Robo Aguyllun
Riçõ Basset de Weldon	Wiffo de Harecourt
Huğ de Nevill	H. de Ver, com. Oxon
Walfo de Dunstavill	Wiffo le Moyne
Johi de Muscegyros	Philippo Marmyun
Rado Gernun	Robo Tregoz
Rado Basset de Sapecoř	Griffio fit Wennuwen
Robo de Tatteshal	Henř de Tracy
Henř Engayne	Johi Giffard
Roğo de Maubray	Gilbo Peche
Petro de Malo Lacu	Rado Saunzav
Johi de Baillol	Rado Musard
Andř. Lutterel	J. de Plessset
Thom de Furnival	Wiffo Bardulf
Huğ. de Cressy	Robo de Ros de Belvo
Walf de Wahull	Gilbo de Gaunt
Rado Basset de Draiton	n ^o Rogo Bertram de Bothal
Wiffo de Oddingesel	n ^o Petro de Brus
Walfo de Clifford	Wiffo de Munchenesy
Hugh Peverell de Saunford	Wiffo le Blund
Wiffo de Wilton	Jacobo de Paunton
Hamõi de Creuequer	Henř de Erleye
Rado de Kameys	Robo de Bello Campo
Andř Pevel	Henř de la Pomeray
Henř de Novo Burgo	Henř de Hasting
Almarico de Sçõ Amando	Fulcõi fil. Warini
Pho de Arcy	Wiffo de Monte Canisio
Wifmo de Sey	Nicho Poynz
Jacobo de Aldithet	Johi de Baalun
Riçõ de Grey	n ^o Robo de Caunvill

	Wiffo de Breus	Johi de Curtenay
	Reġ fit Petri	Rog ^o de S ^{co} Johe
	Thom ^m Corbet	Johi de Wauton
	Fra ^{coi} de Boun	Egidio de Clifford
	Robto fit Nichi	Ade de Peryton
	Ade de Novo M ^o cato	Galfro de Maundevill
n ^o	Rado le Botyler	Johi fit Alani
	Wiffo de Ros	Ade le Despens ^o
n ^o	Roġ Bert ^m de Mideford	Rado de Gorges
	Hug ^g de Bolebek	Arnaldo de Bosco
n ^o	Gilbo Hansard	Johi fit Phi
	Wiffo de Huntingfeud	Robo Vet ⁱ Ponte
	Robo de Ferar	Hen ^r de Percy
	Matho Loveyn	Wiffo de Hunt ^c ube
	Baldewino de Insula com. Devon	R. de Quency, com ^m Winto ⁿ
	Humf ^{ro} de Bohu, com. Heref.	Anke ^r de Freschenvill
n ^o	Guidoi de Brunie	Baldewino Wak ^o .

R. Abbi de Burgo S^{ci} Petri sa^m manda^m vob in fide & dile^{co}ne quib³ nob tene^mi
fmi^o injungentes qd omib³ aliis p^otermissis mittatis nob s^oviciu v^{rm} quod nob debetis.
Ita qd sit ad nos in crastino S^{ci} Martini absq^q defalta p^o quib³dam urgentib³ negociis
psonam n^{ram} specialit^o & statu regni n^{ri} tangentib³. Et hoc sub debito fidelitatis qua
nob tene^mi nullaten^o omittatis. T. ut s^o.

Abbi de Rammiseye	Abbi S ^{ci} Bened ^{ci} de Hul ^m
Abbi de Thorneye	Abbi S ^{ci} Petri Glouc ^o .
Abbi de S ^{ci} Aug ^t ini Can ^t	Abbi de Malmisbi ^r
Abbi S ^{ci} Albani	Abbi de Schirebur ⁿ
Abbi de Bardeneye	Abbi de Middilto ⁿ
Abbi de Tavestok ^o	Abbi de Rading ^o
Abbi S ^{ci} Edmundi	Abbi de Michilney
Abbi West ^m	Abbi de Abendo ⁿ
Abbi de Certes ^o	Abbi de Cern ^e
Abbi de Hida	Priori de Covent ^r
Abbi de Colecest ^r	Abbi Ebo ^o
Abbi de Bello	Abbi de Eynesham
Abbi Abbotisbi ^r	Abbi de Witeby
Abbi de Winhc ^u be	Abbi de Croiland
Abbi de Psore	Abbi de Waltham

Abbi de Evesham
Abbi de Osñ
Abbi de Dunstaplt

Abbi Cestr
Abbi Saloř
Abbi Leič.

That these writs of summons were to parliament, is rendered evident from the following notice made by Holinshed,* of the circumstances attendant upon that affair; viz.
* Holinshed's
Chr. Voi. II.
p. 454—460,
new edit.

Anno 45 Hen. III. A.D. 1261.

“After Christmas, the king coming into the Tower of London, fortified it greatly, and caused the gates of the city to be warded, *sending forth commandment to the lords* that they should come to the Tower, there *to hold a parliament*: but they flatly denied so to do, sending him word, that, if it pleased him, they would come to Westminster, where usually *the parliament* had been kept, and not to any other place. Whereupon there rose great dissensions between him and his barons.”

The nature of this writ being considered, with the observations of Hollinshead upon it, there appears every reason to conclude, that the persons to whom the same was addressed, were then reputed *as nobles of the realm*; which, if so,—(for what other persons could be summoned to parliament by the same writ *singulatim* as the lords?)—there seems no reason why Dugdale should have passed over this writ in his lists of summons, while he has thought fit to notice such writs as the 5 Edw. I. and 1 & 35 Edw. III., which merely, in the two first cases, were *writs of service*; and in the last instance, was a *convention of a council for a particular and distinct occasion*, in relation to the affairs of another kingdom.

The following is the copy of a writ of summons, mentioned in Dugdale's list, whereby certain persons, to whom the same was addressed, were required to give their attendance at a great council, summoned to meet at Newcastle-upon-Tyne, anno 24 Edw. I.; viz.

Claus. in Dorso. m. 12.

“Rex dilecto et fidei suo Rogo le Bigot, com Norff et Maresc Angl salutem. Quia Joannes Rex Scotiæ aliqua contra fidelitatis suæ debitum, in læsionem coronæ regni nostri, ad quam integram et illæsam conservandam et defendendam, sacrament vinculo astricti estis, jam de novo (ut accessimus) perpetravit; per quod ad partes Scotiæ in brevi, iter arripere intendimus, ad apponendum contra hujusmodi perpetrata remedium, quod de nostro consilio viderimus opportunum; vobis mandamus, rogantes in fide et dilectione quibus nobis tenemini, firmiter injungendo: quatenus primo die mensis Martii proximo futuro sitis ad nos apud *Novum Castrum super Tynam*, cum *Equis et Armis*, quantò decentiùs et honorabiliùs poteritis parati, et prompti, *ad faciendum ea, quæ tunc temporis de nostro consilio duximus injungendum*, ità quòd vobis inde grates referre meritò

teneamur ; quid ante super hiis duxeritis faciendum nobis quàm citiùs nuncieritis. Teste Rege apud Westm̃ xvj. die Decembris."

Consimiles literæ diriguntur subscriptis ; viz. &c.

Now, of thirty-seven persons to whom these consimiliar letters or writs were addressed, the twenty-two names hereafter mentioned, are unnoticed by sir William Dugdale in his History of the Baronage of England.

Roberto filio Walteri (de Daventre)	Radulpho filio Bernardi
Roberto Hastings	Almarico de Nodariis
Johi Peyvre	Laurentio de Pavelly
Richardo de Coleshull	Johanni de Pabenhām, jun.
Willielmo Bouteveleyn	Johanni de Morteyn
Waltero de Pavilly	Roberto Russell
Galfrido de Stowey	Ranulpho de Ry
Johi Cogan	Thomæ de Wyneslee
Radulpho Wake	Nicholao filio Radulphi
Richardo de Wyndesor	Richardo de Ken
Roberto de London	Johanni de Acton

Having thus stated the names of those persons who are unnoticed in Dugdale's Baronage, but to whom writs of summons consimilar to that addressed to Roger Bigot, earl of Norfolk, was directed as before mentioned in the 24 Edw. I., it remains to make a few observations upon the writ itself.

By the 17th and 18th Articles of Magna Charta it is stipulated and conceded, that the *great barons*, upon all occasions of summons, shall be called together by the *king's writ*, addressed to them *singulatim* ; but that the other *tenants in capite* shall be summoned by the *king's writ* addressed to the *sheriff of the county*.

Now, it appears that, on this particular occasion, the *Exemplar writ* was addressed to Roger Bigot, earl of Norfolk ; and the *Consimilar writs* were directed to some certain persons who are noticed by Dugdale as *barons of the realm* ; and to certain other persons, who, although *unnoticed* by Dugdale, in his Peerage History, as *barons*, are yet, nevertheless, included in the same list, as those very *barons' peers*.

From this circumstance it would seem, that the parties in question were either actual barons, or had the reputation of being such : and this point obtrudes itself as so much the more evident, because divers other persons in the capacity of great landholders are on the very same occasion required to give their attendance at Newcastle-upon-Tyne, by virtue of a *general precept*, thus* set forth ; viz.

* Dugdale's
Lists Sum.
p. 16, 17.

“Sub eâdem formâ scribitur *magistro Willielmo de Bosco* ; sub istâ tamen mutatione ; quòd ubi dicitur *suprà scriptis, quòd sint, &c.* Scribitur ei *quòd mittat aliquos de hominibus suis* apud novum castrum cum equis, &c. ut *suprà*, ad faciendum ea quæ eis tunc temporis, &c. ut *suprà*.”

Somers'.

Dominus Johannes de Shor
Dominus Mattheus de Furneis
Dominus Willielmus de Estotvill
Dominus Simon de Rale
Dominus Johannes le Waleis
Dominus Hugo le Prouz

Glouc'.

Dominus Roger Perceval
Dominus Petrus Crok
Dominus Robertus le Veel
Dominus Thomas de Berkele
Dominus Nicholaus de Ba
Dominus Robertus de Berkele

Leic'.

Dominus Robertus Ros de Gedney
Dominus Roger de Huntingfield
Dominus Robertus de Kirketon
Dominus Thomas Bardolf

Wilts.

Dominus Nicolaus de Hoese
Dominus Johannes de Holt

Devon.

Dominus Henricus de Rale
Dominus Gilbertus filius Stephani
Dominus Willielmus le Prouz

Cornub'.

Dominus Radulphus de Bloxho
Dominus Walt. de Treverbyn
Dominus Richardus Hywis
Dominus Roger Carminou
Dominus Willielmus de Chambernoun
Dominus Richardus de Buslingthorp

Dominus Phillippus de Theford
Dominus Jo. de Albaniaco
Dominus Radulphus Paynell
Dominus Jo. Marmyon
Dominus Jo. de Staunton
Dominus Alexander de Montfort
Dominus Radulphus de Freskeny
Dominus Adam de Arderne
Dominus Robertus de Brakenbergh
Dominus Alexander de Botheby (de Kesteven)
Dominus Thomas filius Eustach'
Dominus Radulph' de Sancto Laudo
Dominus Galfridus de Brunne
Dominus Gregor' Duk
Dominus Walranus de Mortuomari
Dominus Jo. Goubard
Dominus Willielmus Disny
Willielmus de Basage
Dominus Phillippus de Gayton
Dominus Johannes de Bosco
Dominus Petrus de Giphthorp
Dominus Simon filius Radulphi
Dominus Willielmus de Chadworth
Dominus Hugo de Gorham
Robertus Salman
Dominus Jo. le Chamberleyn
Thomas de Cadwrey
Radulphus de Frescheville
Rob. de Ros, Frater Will' de Ros
Petrus Loreng
Johannes filius Simonis
Willielmus de Bretoun

Willielmus de Wilighby	Alexander Quintyn
Thomas de Nevill	Willielmus fit Radulphi
Richardus de Draycot (Dominus de Wyleton)	John de la Mare (de Peryndon)
Johannes de Wadhill	Ricardus de Frevyll
Richardus de Gobion	Nicholaus de Oddingsele
Willielmus de Hotot	Gerard de Braybroke
Galfŕ fit Roberti (Dom. de Daventre)	Johannes Ayvell
Joh de Rydell	Thomas de Lysurs
Robertus de Hoo	Petrus Pycott
Johannes de Nevill	Robertus de Percy
Rogerus de Bello Campo	Johannes de Mews
Johannes Neyrnuyt	Willielmus de Aton
Robertus de Gotez	Johannes de Fauconberge
Gilbertus de Houby	Willielmus de Coleville
Robertus de Gravelee	Arnald de Percy
Oliverus le Zouche	Richardus de Romundby
Johannes de Grimstede	Thomas de Hettengton
Andŕ de Grimstede	Walterus de Gousill
Walterus de Geddinges	Robertus Ugthereth
Johannes de Cantilupe	Johannes Sampson
Osbertus Gifford	Thomas de Chauncy
Egidius de Playz	Johannes de Pothon
Thomas de Mandevill	Johannes Coyners
Nicholaus de Wokindon	Robertus de Flyxthorpe
Jō de Beauchamp (de Fifhide)	Alexander de Ledes
Richardus filius Simonis	Johannes de Seton
Mattheus de Loveyn	Nicholaus de la River
Drogo de Barentyne	Roger Gruneth
Alanus de Goldyngham	Johannes de Hotham
Richardus de Sutton	Richardus Benteley
Richardus de la Rokele	Simon de Pateshull
Radulphus Perott	Gerard Salveyn
Egidius Munpynzan	Johannes de Barton
Robertus de Baiuse	Johannes de Heselarton
Johannes de Lovetot	Arnald de Bulketon
Henŕ la Moyne	Thomas de Honton
Thomas de Grauncurt	Alexander de Cave
	Willielmus Grimbald

Robertus de Botheby	Robertus de Somerville
Hugo de Menill	Walterus de Faucunberge
Johannes de Rosse	Johannes de Bulmer
Rogerus de Grimeston	Nicholaus de Meignill
Hugō filius Henrici	Robertus de Tateshale
Radulphus filius Ranulphi	Willielmus de Ros (de Ygmanthorpe)
Rogerus de Lasseles	Johannes de Caunsefeld
Adam de Everingham	Willielmus de Cressy
Johannes de Belew	Ranulphus de Nevyle
Robertus de Berlay	Johannes de Lancaster
Herbert de S. Quintino	Robertus Ros (de Werke)
Willielmus de S. Quintino	Johannes Baro (de Greystoke)
Johannes de Hodeleston	Robertus Bertram
Thomas de Corewenne	Robertus de la Vale
Robertus de Haverinton	Johannes le Caumberleyn
Hubertus de Moletone	Thomas de Saunford
Hugo de Moletone	

The writ of 26 Edw. I. next presents itself, as no more of a parliamentary nature than the one of the 24th., being a summons merely to attend *equis et armis*, at Carlisle : but this writ is likewise in the *Exemplar* directed to Roger Bigot, earl of Norfolk, and marshall of England, and the persons to whom the *Consimular* are addressed, are eleven earls, and a hundred and six *barons*, who are so particularly denominated ;* of this number the following are unnoticed in Dugdale's History of the Peerage ; viz.

* Vide Dug.
List of Sum.
p. 21.

Johan. de Ryveres	Richard Syward
Johan. de Hudleston	Simon Fresell
Wauter. de Mouncey	William Sampson
Johan. de Cantelo	Thomas de la Roche.

Of these eight, John de Cantelo (or Cantilupe), Richard Syward, and Simon Fresell, had the like summons, 27 Edw. I. ; † but John de Ryveres, John de Hudleston, Walter de Mouncey, William Sampson, and Thomas de la Roche, had summons to divers parliaments in after-years ; and, in such respect, were, by reason of their repeated calls to successive parliaments, (holden for the purposes of legislation,) as much *barons by writ*, and *peers of the realm*, as many of whom Dugdale has made mention in his Baronage ; though, in his list of summons of 24 Edw. I., before mentioned, he has included several of them among the *barones minores*, or inferior tenants in capite of the crown.

† Claus. Rot.
in Dor. m. 14.

The writ of 35 Edw. III. appears to have been not a summons to parliament, but the call of a great council, for the mere purpose of taking into consideration the affairs of Ireland; whereunto were summoned only certain persons, either holding lands in that kingdom, or so far interested therein, as by his Majesty to be deemed proper persons to give their advice, and be consulted, on that important occasion. But the words of the writ will best explain its import and effect.

Anno 35 Edw. III. Claus. in Dorso. m. 36.

“Rex dilecto et fideli suo Humfrido comiti Northamptoniæ salutem. Quia terra nostra Hiberniæ per invalescentes à diu Hibernicorum inimicorum nostrorum incursus, propter impotentiam fidelium nostrorum habitantium in eadem; et pro eo quod magnates et alii de regno nostro Angliæ terras in eâ habentes, commodum dictarum terrarum suarum ab eadem terrâ capiunt, et defensionem aliquam non faciunt, jam caute vastitatis et destructionis miserie subicitur; quod, nisi Deus advertat, et celerius succurrat eidem ad totalem perditionem in proximo deducetur: per quod pro salvatione ejusdem ordinavimus; quod Leonellus comes Ultoniæ filius noster charissimus, cum ingenti exercitu, ad terram prædictam, cum omni festinatione transmittetur: et quod omnes magnates ac alii de dicto regno nostro terras in dictâ terrâ Hiberniæ habentes, quantò potentiùs potuerint, in comitivâ dicti filii nostri proficiscuntur, vel si debiles in corpore existant, loco suo alios sufficientes ibidem mittant pro repulsione dictorum inimicorum, et salvatione et defensione terrarum suarum, et succursu terræ supradictæ; et pro dicto negotio accelerando, volumus vobiscum et cum aliis de eodem regno terras in dictâ terrâ Hiberniæ habentibus colloquium habere et tractatum, vobis in fide et ligeanciâ quibus nobis tenemini, firmiter injungendo mandamus; quod omnibus aliis prætermissis, sitis personaliter apud Westm. in quindenâ Paschæ proximâ futurâ, ad loquendum nobiscum et consilio nostro super dicto negotio, et illud concernentibus, ad faciendum et consentiendum super hoc, quod ibidem contigerit ordinari; et interim vos, et homines vestros, quantò potentiùs et decentiùs poteritis, ad arma paretis, ita quod in vestri defectu progressus dicti filii nostri et exercitus sui non retardetur; nec dicta terra omissionis periculo subiaceat ex hac causâ: et hoc, sicut nos et honorem nostrum ac salvationem et defensionem terræ prædictæ diligitis, nullatenus omittatis, et habeatis ibi hoc breve. Teste rege apud Westm’ xv die Martii.”

Per ipsum regem et consilium.

Consimilia Brevia diriguntur subscriptis, de essendo coram rege et consilio suo ad dies subscriptos; viz.

Ad quindenam Paschæ:

Radulpho comiti Stafford
Thomæ com’ Oxon’

Edwardo le Despenser
Waltero de Manny

Edwardo de Mountague	Waltero de Bermyngeham
Almarico de S. Amando	Johanni Comyn
Bartholomeo de Burghersh	Johanni Wagan
Johanni de Crophull	David Barry
Nicholas de Gernon	Johanni Cornewaille
Johanni de Bohun (de Midhurst)	Petro Malure
Johanni de Carreu	Johanni Mautravers.
Willielmo la Zouche (de Haryngworth)	

“Rex vicecomiti Nottinghamiæ et Derbiæ salutem. Quia (&c.) *ut supra usque ibi* terræ supradictæ et tunc sic tibi precipimus firmiter injungentes; quod præmunire facias hæredes de Caumvyll terras et tenuram in Hiberniâ habentes; quòd sint apud Westm’ in *tribus septimanis Paschæ* proximò futuris ad loquendum (&c.) *ut supra usque ibi* contigerit ordinari; et tunc sic; et habeas ibi nomina illorum per quos eos præmuniri fueris, et hoc breve. Teste, *ut supra.*”

Consimile breve dirigitur vicecomiti Staffordiæ.

Ad tres septimanas Paschæ :

David de Strabolgi comiti Athol’	Johanni de Erles
Thomæ de Ros	Johanni de Bromwich’
Rogero de Clifford	Jacobo de Stafford
Thomæ de Furnival	Stephano Mareys
Thomæ de Lucy	Willielmo de Morle
Edmundo Laurence	Richardo de Stafford
Johanni de Tibetot	Willielmo de Ferrers.

The most material part of this summons is, how far those nineteen persons, to whom the consimilar writ of *the king* was addressed, may be entitled to be considered in the quality of barons; and if entitled to that consideration, then for what reason nine of them should have been passed over in Dugdale’s history of those persons, who were barons or reputed barons of the kingdom.

It certainly appears, that this convocation was not the calling together of a parliament, but of a mixed council of certain great men in the two kingdoms of England and Ireland; but, as Dugdale has thought proper to include this summons among those of the summonses to parliament, it would seem that the parties thus convened, ought to have formed as much the subject of notice in his *Baronage*, as in his *Lists of Parliamentary Summons*.

It has before been observed, this celebrated author considered it necessary to premise

his Peerage History with saying, *That he deemed it a safer error to take notice of some persons in their qualification of barons, than by their omission tacitly to conclude them otherwise.* Now, on the same ground, it appears, that the history of the families contained in the following pages, is founded upon much better pretensions to notice, than the herald could suggest reason for passing them over in silence.

Upon the whole, it probably may be considered, that, until the time of Richard II., when the first baron was created by letters patent, thereby expressing and limiting not only his degree and right of seat in parliament, but the course of descent of his honour, that the crown summoned to parliament those whom it pleased of the great tenants in capite, who held by barony; and many who held by parts of a barony; as in the case of being representatives of one who had holden by an entirety, but whose baronial lands had become divided by co-heirship; or that, the crown still viewing the possession of lands as the basis of parliamentary dignity, continued to summon persons who were possessed of a certain number of knight's fees holden immediately of the crown, which number amounted to thirteen and a half—a quantum defined by some authors as the qualification of a barony.

But inasmuch as it has already been stated, that the indifference of the clergy and laity had manifested itself on various occasions, to avoid attendance upon a parliamentary summons, as an expensive and burthensome tenure; so, while their apathy to legislative honour contributed to the abdication (if it may be so termed) of their baronial privileges, the ambition of another class of personages brought themselves forward, and thus a new series of nobility became coalesced and intermixed with the old peerage; which, gradually decaying in point of property, but, nevertheless, in some instances, continuing to be summoned to parliament after their caput baroniæ had passed away, these persons remained barons, not by virtue of their tenures, but of their writs, and thus left to their heirs a right of succession, founded on the prescriptive usage of those writs under which they had been called to parliament as before mentioned.

In the account of the families, forming the subject of the following pages, it is rather to be imagined, that the manner in which they became noticed in any parliamentary summons, was by reason of their tenure of certain lands, but that they were no further noble than their tenure gave them right of distinction: yet if the decision, which the lords have so often sanctioned in the resolutions of their Committees of Privileges,* is to be deemed a rule of law, that a person having been once summoned to parliament and taken his seat accordingly, has thereby acquired a barony descendable to the heirs general of his body, then the many of those names omitted by Dugdale in his Peerage History, and hereafter noticed, were as much barons of the realm as the lord Clifton, who was only once summoned to parliament, took his seat, but was shortly after a *felo de se*.

* Clifton, &c.
cor.Dom.Proc.

EMINENT FAMILIES OMITTED BY DUGDALE.

ACTON.—(24 EDW. I.)

JOHN DE ACTON, in the 24 Edw. I., was one of those eminent persons, who had
* Dugd. List of Sum. p. 15. summons by a consimilar writ,* with divers barons, to attend, with horse and arms, a great council, convened to assemble at Newcastle-upon-Tyne, on the subject of an expedition intended to be made into Scotland.

† Vide Prefatory Observ. On this occasion, the writ was evidently a summons of service,† and not a parliamentary summons *ad tractandum de arduis negotiis regni*, whereby any hereditary baronial dignity was created or acquired.

The family of Acton appears of very ancient standing, and seated at Iron-Acton, in the county of Gloucester. The aforesaid John de Acton was probably the same, who, with Sibilla his wife, was possessed of the manor ‡ of *Irene Acton*, in Gloucestershire; ‡ Esch. 6. Edw. II. n. 55. lands at Frampton Cotell, in the same county; the manors of *Coverne* and *Yanefore*, in Herefordshire; the manor of *Penyton*, in the county of Southampton; and the manor of *Ceddre*, with other lands at *Abre*, and *Stache*, in Somersetshire.

He died about the 6 Edw. II., as in that year the king's escheator had a writ to take § Originalia. 6 Edw. II. Rot. 5. into his hands, the lands and tenements whereof John de Acton had died seised. §

The heiress general of this family carried the manor of Iron-Acton, with other considerable estates, into the family of Poinz, or Poyntz, by marriage || Fosb. Glouc. Vol. II. p. 525,-6.

ALDEBURGH SIVE ALDBOROUGH.—(44 EDW. III.)

¶ Dugd. List Sum. Sir William de Aldeburgh had summons to Parliament from the 44 Edw. III.¶ to the 10 of Richard II., the year following of which he died. His summons appears to be from his marriage with Elizabeth, daughter and heir of Robert, Lord Lisle, of Rougemont,** who, as his ancestors had been, was repeatedly summoned to Parliament among the earls and barons of the realm. By this marriage he acquired the manor or barony of Harewood, which had come to the said Robert de Lisle, by descent from the heiress of William de Courcy, theretofore possessor of the same.†† By Elizabeth de Lisle, he had issue, William, his son and heir; and two daughters, viz., Elizabeth, and Sybill.

William de Aldeburgh, the second, did not long survive his father, but died the

15 Richard II. without issue,* or at least without any which survived him; for according to his Will, proved in 1391, it seems he had an infant child whose name is not mentioned, but merely cursorily referred to, as well as Margery, or Margaret, his wife, in the words, '*Margeria ma feme mon infans.*' This Margery his wife, (who was widow of Peter de Maulay, son and heir apparent to Peter the 6 Maulay, and died in his father's life time) was one of the daughters and co-heirs of Sir Thomas Sutton, of Holderness, and outlived her husband Aldeburgh, but died shortly after him; her Will being proved in the same year 1391, in which she mentions her son Peter Maulay, her son John Maulay, and her daughters Constance and Elizabeth Maulay; she also mentions Elizabeth Stapleton.—She was buried with her last husband in the church of the Dominican Friars at York. †

* MS. Vocat B.B. p. 553 in Coll. Arm.

Of the sisters and co-heirs of William de Aldeburgh, Elizabeth was ætat 28, and then the wife of Bryan Stapleton, the younger. ‡ Sibilla, the other sister and co-heir, was ætat 25, and wife of William Ryther.

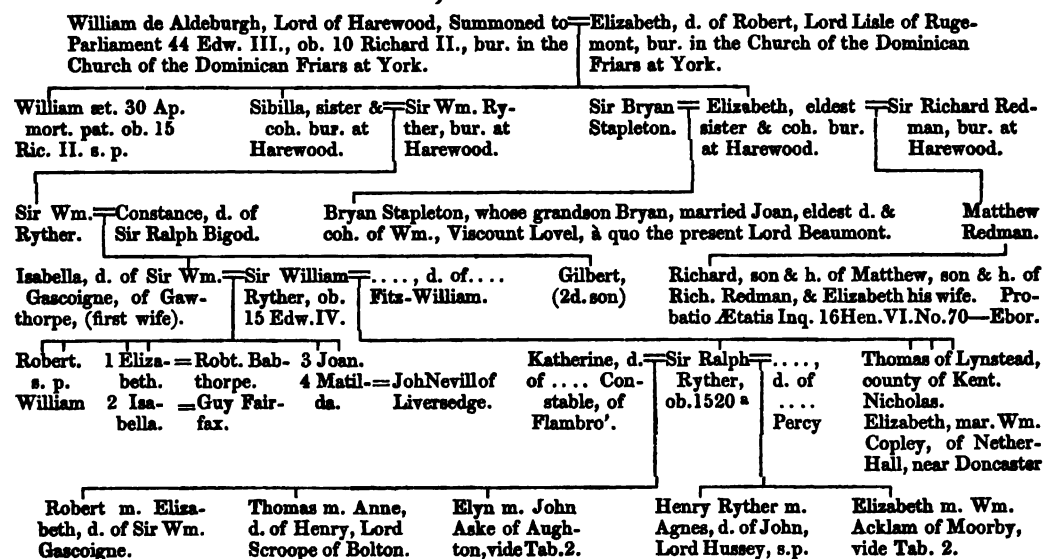
† Drake's Antiquities of York.

‡ Esch. 15 Richard II.

Elizabeth, after the death of her husband Stapleton, re-married Sir Richard Redman, and had issue by him, as stated in the table of descent, which issue had the Harewood estate, and afterwards divided the same with the Ryther family, § which circumstance gives reason to believe that she had not any issue by her first marriage with Stapleton, or otherwise that issue would have succeeded to Harewood; but inasmuch as some heralds have derived the Stapletons of Carlton from the said marriage, that line has been inserted in the table to be received *de bene esse*.

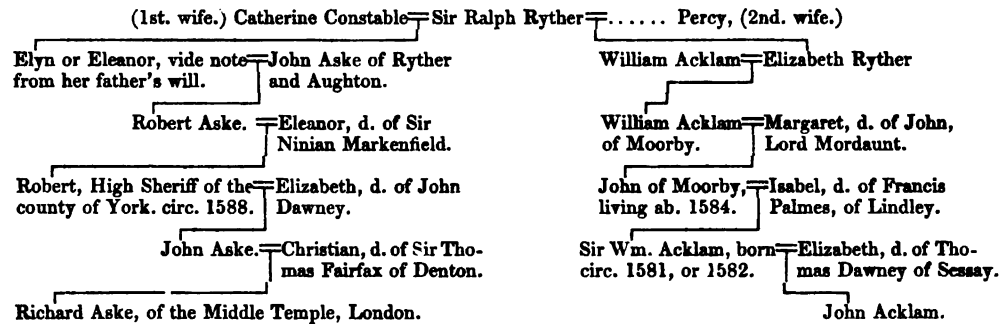
§ Rot. Pat. 23 Hen. VI. m. 20.

ALDEBURGH, VEL ALDBOROUGH.



* In his Will, dated 26 March, pro. 26 April 1590, he names his daughter Elizabeth, Thomas, his son and heir, and his daughter Elyn Aske.

ALDEBURGH VEL ALDBOROUGH.—TABLE II.



NOTE.—In Philpot's Yorkshire, folio 70, it is said that Sir William was elder brother to Sir Ralph Ryther, which is correct, as being half-brothers, and William by the first wife. In this case if William had issue as contended, the Plumpton's would be heirs of Aldeburgh, before the Askes and Acklams.

A MS. in the Bodleian Library at Oxford,—Dodsw. vol. 5.—states that a Sir Edward Redman of Harewood Castle, married Elizabeth daughter of William Huddleston, and had issue, Henry Redman, and Richard, a second son; which Henry had female issue, whereof Jane, one of his daughters, and co-heirs, married Marmaduke, fourth son of Sir William Gascoigne, of Gawthorpe. The Redmans having Harewood, gives reason to believe that, although Stapleton was married to Elizabeth Aldeburgh, his issue was by a former wife, and not by her.

ARDERNE.—(1 EDW. III.)

Robert de Arderne, in 1 Edw. III., had summons by a consimilar writ, with divers earls and barons, to attend at Newcastle-upon-Tyne, cum equis et armis, but it does not appear that the said writ had any words of summons for parliamentary legislation; nor does the name of Arderne have place in any subsequent writs of summons to parliament.

* Originalia,
5 Edw. III.
Rot. 17.

It is probable he died shortly afterwards; as, in the 5 Edw. III.* the king's escheator had command to take into his hands the lands of Robert de Arderne, then deceased.

† Dugd. Antiq.
War. p. 679.

If the name of *Arderne* and *Arden* are synonymous,^a then the said Robert de Arderne appears to be the same, as mentioned by Dugdale in his Warwickshire, where he states,† that Robert, in the 15 Edw. II.^b was governor of Banbury castle, and died the 5 Edw. III., being then seised of the manor of Wykham (where he resided), and of several other manors in Oxfordshire, Northamptonshire, and Sussex; whose grandson, Giles, being the last male of his branch, left an only daughter and heiress, Margaret, who married Lodowick Grevill, Esq., from whom is descended the family of Grevill, earl Broke, and of Warwick.

^a This seems to be well warranted, as Dugdale in his Warwickshire calls him *Robert de Arden*, and says he died the 5 Edw. III.; and the Originalia Roll of that year denominates him *Robert de Arderne*.

^b A Sir John de Arderne was one of those eminent men at the great Tournament at Stebenhithe, (Stepney), the 2 Edw. II., when he bare for Arms, "10 Cross Croazlets, 4, 3, 2, and 1, and a Chief or."

The traditionary account of the origin of this family, is from Turchetil, son of Alwyn, officary earl of Warwick, in the time of Edward the Confessor; which

Turchetil succeeded his father as earl of Warwick, but being afterwards deprived of the earldom by William the Conqueror, retired to the woody part of the country, and assumed the name * of Arderne, or Arden. From this stem descended

* Camd. Brit.

Henry de Arden, who, 12 Henry II., on the assessment of aid for the marriage of Maud, the king's daughter, was certified to hold† five knights' fees of William, earl of Warwick. At which time, also,

† Ex Chart.
Will. com.
Warw. in Lib.
Nig. Scacc.

Hugh de Arden was likewise certified to hold five knights' fees, and a third part of the same earl.‡

‡ Ibid.

Of this name was Ralph de Arderne a co-heir to Glanville; likewise Ralph Arderne a co-heir to Beauchamp, of Essex.

BANYARD, or BAYNARD.—(6 EDW. II.)

It has been observed by Dugdale,§ that William Baynard, who took part with Helias, earl of Mayne, and others, in their conspiracy to dethrone Henry I., lost his barony of Baynard's Castle, which, with the chief part of his great estate, was, upon his forfeiture, given by the king to Robert, a younger son of Richard Fitz-Gilbert, progenitor to the ancient earls of Clare|| and Hertford, from which Robert descended the family of the barons Fitz-Walter.

§ Dug. Bar.
Vol. I. p. 461.

But though the elder house was thus disinherited, there remained a younger branch, to which divers manors were given¶ before the forfeiture, and which, as such, were not affected by that unfortunate event. Of this line—

¶ Hist. of
Norf. V. IX.
p. 46. Wayland.

Robert Baynard, cousin to William the attainted baron, was lord of Merton, and of divers other manors, in the county of Norfolk,** which had been part of the possessions of Ralph Baynard, at the time of the general survey.†† He was a great benefactor to the monks at Lewes, making them divers grants; all which, by Fulk Baynard, his son, were confirmed. This

** Ibid.

†† Domad. in
com. Norf.

Fulk Baynard appears to be the same, who 12 Hen. II., upon the assessment of aid for marriage of the king's daughter, was certified‡‡ to hold eight knights' fees and a half in Merton, Hadeston, &c., of Robert Fitz-Walter, as of his barony of Baynard's Castle.

‡‡ Lib. Nig.
Scacc. Vol. I.
p. 231.

He had issue two sons, whereof Geffery, the second son, was a priest, and farmed all the priors' lands in Merton, paying to the chief lord four shillings, and two pounds of wax annually.

Fulk Baynard, the eldest son, succeeded§§ his father in the inheritance, and was grandfather probably, to

§§ Esch. 33.
Edw. I. n. 58.

Robert Baynard, a person of great note in the time of Edward II., in whose reign

* Origin. 5 & 6 (if he be the same Robert), he had committed to his charge* the custody of the counties of Norfolk and Suffolk, as also the castle of Norwich. And furthermore, in 6 & 7 Edw.

† Dugd. Lists II., had summons to parliament† among the barons of the realm, and therein was denominated *a baron*. Moreover, he was likely the same Robert, who, being one‡ of the justices of the King's Bench, in that capacity had summons§ to parliament, 2 & 3 Edw. III., among the judges, and the rest of the king's council.

|| Vol. IX. p. 46, 7. Wayland. Fulk Baynard was son and heir to this Robert, as the History of Norfolk asserts,|| and left issue three daughters, his co-heirs; viz. Isabel, Emma, and Maud; whereof Isabel married Sir Thomas de Grey, knight, and had Merton, Bunwell, &c. for her share of the inheritance; the former of which places is now the property and residence of lord Walsingham, the heir-male representative of the said Sir Thomas de Grey, knight.

¶ Rot. Pat. 6 Edw. II. p. 1. m. 18. But it seems, that there was a Robert Banyard, who, 6 Edw. II., had license¶ to embattle his mansion-house at Hautboys, in Norfolk: the history, however, of that county, relates,** that the said Robert left *Thomas*, (not Fulk), *his son and heir*, who sold the reversion, after the death of his mother, to sir Thomas Roscelyn, knight.

From this statement it appears, that Robert Banyard, of Merton, and Robert Baynard, of Hautboys, were contemporaries; a circumstance, which, while it tends to point out two distinct persons, leaves a degree of doubt as to which was the identical Robert, who had the summons to parliament among the barons of the realm, as before mentioned. This last named Robert of Hautboys, according to the authority of the history of Norfolk, before cited,†† married Maud, one of the six sisters and co-heiresses of Sir Thomas Roscelyn, knight, son of Sir Peter Rosceylin, who had summons to parliament‡‡ among the barons of the realm, 22 Edw. I., as under that article, is elsewhere detailed.§§ But the said Maud, it seems, was his second wife, who, upon his death, 4 Edw. III.,||| had her dower in the manors of Hautboys and Whetacre, and having survived him many years, deceased about the 23 Edw. III.¶¶ His first wife, according to the History of Norfolk,*† before cited, was Lucia, daughter and heir of Sir Roger de Fraxino, or Atte-Ash, by which lady he obtained the manor of Colkirk in that county and had a son, Thomas, who died without issue; and a daughter, Joane, who was heir to her brother; and marrying Edmund de Thorpe,*‡ the said Edmund in her right enjoyed the manor of Colkirk, before mentioned.*§

†† Ibid.
‡‡ Rot. Vasc.
22 Edw. I. m.
8. In Dors.
§§ Vide Roscelyn.
||| Esch. 4.
Edw. III. N.
28.
¶¶ Ibid. 23.
Edw. III. N. 7.
*† Vol. VIII.
p. 23. 4.

*‡ Ibid.
*§ Vide Thorpe.

BARRY.—(35 Edw. III).

Camden, in his *Britannia*, says, that this name is derived from the island of Barry, in Glamorganshire, (so called from Baruch, a holy man buried there); but the common ancestor is considered to be

William Barry,* (otherwise de Barri), who married Angareth, daughter to Nesta,^a the daughter of Rhese ap Griffith, prince of South Wales), and sister to Robert Fitz-Stephen and Maurice Fitz-Gerald, two persons of great eminence in the annals of Ireland. By her the said William had issue several sons; viz. Robert, Philip, Walter, and Gerald, or Gerard Barry, well known by the name of Giraldus Cambrensis, and so denominated from the word Cambria, the ancient name of the county of Pembroke, within which he was born at Tenby, about the year 1146. He was afterwards bishop of St. David, and wrote a description of England, Ireland, and Wales.

* Lodge's
Irish Peerage.

Robert Barry, the eldest son of William, was a young knight of great courage and resolution, which, on divers occasions, he particularly displayed in the conquest of Ireland, under his maternal uncle, Robert Fitz-Stephen.

Cambrensis, his brother, gives him a great character, and says, that he was the first that ever manned a hawk in Ireland. After his services in that kingdom, he is represented to have seated himself at Sevington, in Kent;† but however that may be, he returned again to Ireland, and about the year 1185, was killed at Lismore, in the county of Waterford.

† Mag. Brit.
p. 1125.

Philip, second son of William, had a grant‡ of three contreds of land in the county of Cork, from his uncle, Robert Fitz-Stephen, whose daughter, it is said, he married. This Philip built the castle of Barry's Court, and endowed the friery of Ballybegg, in the county of Cork, in memory whereof his effigies on horseback were cast in brass, and set up in the church there. He had two sons, William and Robert; to which

‡ Ex. Vet.
Chart.

William Barry, king John confirmed§ his uncle's gift of lands, as before mentioned. He is said to have been one of the *Recognitores Magnæ Assizæ* of the county of Kent, and to have lived at the Moate,|| where several of his successors, who were lieutenants of Dover castle, and conservators of the peace in that county, had their residence.^b But it seems, that

§ Chart. Rot.
7 Joh. in
Dorso. m. 5.
48, 49.
|| Mag. Brit.
p. 1125.

Robert Barry, younger brother to William, founded the honours of his family, and had his chief residence in Ireland, where, by assignment from his brother,¶ he became possessed of the patrimonial estates. He had two sons, David and Philip, of these

¶ Lodge's
Irish Peerage.

David Barry succeeded his father, Robert, and had a royal license, dated at Merleburgh 26th September, 1234, for a saturday market at his manor of Buttevant, and an annual fair there, to continue for eight days. He died about the year 1262.

^a This Nesta had been a concubine to Henry I., and afterwards married Stephen, constable of the castles of Cardigan and Pembroke; by which Stephen she had a son, Robert Fitz-Stephen, and a daughter, the above-named Angareth. She also married Gerald Fitz-Walter, and by him had issue Maurice Fitz-Gerald, progenitor of the duke of Leinster, and of other great families in Ireland.

^b The Magna Britannia, p. 1125, relates, that the daughter and heir of Robert Barry, of this line, carried the manor of Sevington, by marriage, into the family of Ratcliffe.

* Lodge's
Irish Peerage.

David Barry, his son and heir, was styled* the first lord Buttevant, and was appointed by Henry III., in 1267, Lord Justice of Ireland. In 1273 king Edward I., granted him free warrant in all his lands, at which time he was lord of Buttevant, and styled a *rich noble baron*; but this eminent person died shortly after, in 1278, and was there buried, where a tomb was erected for him in the choir, opposite the altar.

David-oge Barry, son and successor to his father, was founder of a Monastery of Minorites, at Buttevant, in 1290, and by Maud (or Joan), his wife, had issue.

† Ibid.

William Barry, his son and heir, who, according to Lodge,† had issue Laurence father of John, whose son David had issue another David,* which David was father of another.

‡ Dugd. Lists
Sum.

David Barry, who, in 35 Edw. III., being one of those persons who was possessed of a great estate in Ireland, had summons‡ to attend with divers others, (similarly circumstanced), a great council to be holden at Westminster, touching the disturbed state of affairs in that kingdom. But this summons does not appear to have been addressed to him, as to an English baron, but in his capacity of *an Irish Landholder*; in which quality a similar writ§ was sent to Mary, countess of Norfolk; Alianor, countess of Ormond, and several other distinguished females, to attend the council at Westminster, either by themselves, or their proxies.||

§ Ibid.

|| Ibid.

Though Sir William Dugdale has included this summons for an extraordinary council among his lists of summons of the barons to parliament, it cannot be from thence concluded, that David Barry has any pretention to be ranked in the number of English nobility: as such, it may suffice to observe, that from him descended the family of Barry, earl of Barrymore in Ireland; a title now considered extinct, at any rate dormant.

BELLA AQUA, SIVE BELLEW.—(22 EDW. I.)

This family is considered to be of Norman extraction, its name being mentioned in the famous Battle Abbey Roll; but as that roll is not without suspicion of much falsification, it may be sufficient here to remark, that

¶ Rot. Vasc.
22 Edw. I. m.
8 in Dor.

John de Bella Aquâ or Bellew, in 22 Edw. I., had summons¶ to parliament among the barons of the realm; as also in the 24th of the same reign, to a great council to be holden at Newcastle-upon-Tyne: but only in those years, and not afterwards. He

* The number of descents here related, and so closely succeeding to each other, compared with the chronological succession of the kings, during the same period of time, creates a suspicion, that there is some inaccuracy or other in Mr. Lodge's statement; but which, under the circumstances of the case, is not a point of any material importance to require here a minute enquiry.

married Laderina, youngest* of the four sisters, and co-heirs of Peter, the last Lord Brus of Skelton; and in her right, upon the partition of that inheritance, had the lordships of Carleton in Balne, Ramlesforth, Thorpe-Arches, Tibthorpe, and certain lands in Sethbarne—all in the county of York.^a They had issue three daughters and co-heirs; viz.

† Alicia, who married William Hunke, but died without issue; ‡ Sibilla, who married Milo de Stapleton; and Joan, who wedded Aucher Fitz-Henry, of Copped Hall, in Essex; which last mentioned two co-heirs divided the share of Laderina, when in the division the manor of Carleton fell to the family of Stapleton; which afterwards had summons to parliament among the barons of the realm.

* Dugd. Baron. Vol. I. p. 449.

† Bourne and Nicholson's Hist. Cumb. and Westm. Vol. I. p. 41. 64.
‡ Vide Mon. Angl. Vol. II. p. 1491.

But according to a MS. in the Bodleian Library, (Dodsw. V. 8. No. 5022. p. 176.) he had two other daughters, namely, Alicia, and Lucia; of which, the latter married Sir Thomas Burgh, who had issue John Burgh, or Borough, who had a daughter Margaret, who married Sir John ———, and had a daughter, Elizabeth, wife of Sir ——— Bowets, by whom she had a daughter, also named Elizabeth, who married Sir John Dunsom, and had issue a son, Sir John Dunsom.

Alicia the other daughter of John de Bella Aquâ, appears to have died unmarried, and to have been buried at the Church of the Dominican Friars, York; being thus described, *Dame Alys de Bella Aqua*.

In the same Church are also interred two others of the Bella Aquâ family, viz. Thomas de Bella Aquâ, Chev., and Thomas de Bella Aquâ

The said John de Bella Aquâ died 29 Edw. I.; § for, in that year, the king's escheator had a precept to take into his hands || all those lands whereof the said John was seised, and which he held by the law of England in right of Laderina his wife.

§ Esch. 29 Edw. I. n. 57.
|| Original. 29 Edw. I. Rot. 16.

BEREFORD.—(8 Edw. II).

ARMS. *Cresuly, fitchec, three Fleurs de lis, S.*

^b William de Bereford, an eminent lawyer of his time, and a justice of the Common Pleas, had summons ¶ to parliament among the king's counsel and the judges, in 23 Edw. I., and from that time, in a similar quality, to the 8 Edw. II., in which year (being then Chief Justice of the Common Pleas) he had summons by the same writ,** as the barons and peers of the realm were called together; but in this writ, it is to be observed, that

¶ Dugd. Lists Sum.

** Ibid.

^a William de Bella Aquâ, 12 Hen. II., held one knight's fee of the A.B. of York.—Hearne's Lib. Nig. Vol. I. p. 304. Ebor.

^b There was a Sir Robert de Bereford, who at the famous tournament at Dunstable, the 7th Edw. II. was one of the tilters, bearing for his Arms *Sable, ove un Bend Engrele Arg.*

* Dugd. Lists Sum. Dugdale states,* *the barons* and the *king's justices* were intermixed; so that it does not

appear he was thereby created a baron of the realm: besides, after this, he was, in several subsequent parliaments, summoned among the justices; and from the 14th to the 19th Edw. II., both inclusive, had the Exemplar writ of summons for the king's justices addressed† to him.

† Ibid.

‡ Esch. 20 Edw. II. n. 45.

If this is the same person, he seems to have died about the 20th Edw. II.,‡ when the record states, that he and Margaret, his wife, held very considerable lands and manors in the counties of Derby, Leicester, Warwick, Stafford, Northampton, Oxford, Berks, &c.; and that, Edmond, his son and heir, had thereupon livery§ of his inheritance, holden of the honours of Pynkeney, Wallingford, and Tutbury.

§ Originalia 20 Edw. II. Rot. 6.

The name of Bereford, and Beresford, has been stated by many writers as synonymous; and at various times to have been differently written; and that this family, from the nature of their possessions in the several counties before mentioned, appears to be the same with that, from which the marquess of Waterford, and the Beresford's of Ire-

|| Vide Lodge's Irish Peerage.
¶ Burton's Leicester, p. 246.

land claim their descent.|| But Burton, in his History of Leicester, denies this position, and states,¶ that this family of Bereford took its name from a manor so called in the county of Warwick: whereas the family of Beresford, commonly called Basford, took that name from a town in Nottinghamshire, near Derbyshire, as is evident from a visitation made by the judicious Robert Glover, Somerset Herald, anno 1583.

Furthermore: Burton, in his Leicestershire, asserts, that the heiress-general of Chief Justice Bereford, viz. Petronel, daughter and heir of Simon Bereford of Snareston, in the county of Leicester, married** William, a younger son of William Charnells of Elmesthorpe, in the same county. But, it seems, that, besides his son and heir Edmund, Chief Justice Bereford had issue†† four daughters, whereof Joan married Gilbert de Ellfield; Margery, James de Andele (or Audele); Agnes married, first, Reginald de Argentine—secondly, John de Neirford—and thirdly John Lord Maltravers; and Alice wedded Galfridus Gamell.

** Ibid. p. 92.
†† MS. Vinc. Quid non. p. 321. In Coll. Armo.

Edmund Bereford, son and heir of the chief-justice, had issue, according to an authority cited among the MSS.‡‡ in the college of Arms, a son Baldwin, who died without issue; also a son John, who married Margaret Darcy; and a natural son likewise, named John, who married Alianor, daughter of Richard Fitz-Alan, earl of Arundel, but died in Gascoigne, circ. 30 Edw. III. s.p.

‡‡ Vincent Quid non. 6. p. 696. Ex Rot. vet.

BERMINGHAM.—(35 Edw. III).

Walter de Bermingham is noticed by Dugdale, in his Index to his Lists of Summons to Parliament, as having been summoned in 35 Edw. III.; but, on referring to the

summons, his name does not appear among those who were summoned by the Consimilar writ to the barons: it was to a great council on the affairs of Ireland.¹

The Bermingham family has already been mentioned in the first volume of this Work,* and is to be found fully detailed in the Irish Peerage, under the ancient title of Athenry.† They were among the first settlers in Ireland, in the reign of Henry II., and very early attained baronial rank in that country.

* Dorm. et
Ext Baron,
Vol. I.
† Lodge's
Irish Peerage.
† Ed. 1742.

Camden, in his Annals of Ireland,‡ writes, that "Walter, Lord Bermingham, the younger, died in 1361, on St. Laurence's day, and left his estate to be divided among his sisters, one of whom, Margaret, married Robert, Lord Preston.

This line of the Berminghams, appears to be the same whereof Walter de Bermingham married one of the coheiresses of the barony of Multon of Egremond, in the county of Cumberland, and in partition of that inheritance had a third part of very considerable lands in England and Ireland.

In an interleaved copy of Erdswick's History of Staffordshire, Dr. Vernon, rector of Bloomsbury, is stated§ to have remarked that one *Gilbert Bermingham* married the relict of Sir Richard Stafford, knight; which lady was one of the daughters and coheiresses of William Camville of Clifton. This Gilbert is nowhere mentioned either by Dugdale, or Lodge, in their several accounts of the Bermingham family, either of the English or Irish branches.

§ Topogra.
Vol. II. p. 2.

BERTRAM OF MITFORD.—(45 HEN. III).

Roger Bertram de Mideford was summoned to a parliament by writ dated at the Tower of London, the 18th of October, the 45 Hen. III.|| convened to meet in London; but according to Hollinshed the barons refused to attend, by reason it was not called to Westminster, the usual place of assembling.

|| Claus. Rot.
m. 3 Dorseo.

This parliament is not mentioned in Dugdale's Lists of Summons, but it appears to be the most early on record, where the names of the earls and others summoned, are recited with the exemplar for it.*

This Roger Bertram was succeeded by another Roger, who dying the 5 of Edw. I., left an only daughter and heir, Agnes, who dying s.p., the issue of his four sisters became his co-heirs, as set forth by Dugdale, viz. William, son of William, son of Thomas Fitz-William of Sprotborough, who married Agnes, the eldest,—Philip, son of Norman Darcy, son of — Darcy and Isabel his wife, the second sister,—Elias de Pencilbury, the son

* This writ was produced by the author, before the Lords' Committee of Privileges on the claim of Mr. Champion Lewis Dymoke, to the Barony of Marmyun.

of Christian de Ros the third sister, and Gilbert de Aton, son of Isabel, daughter of Ada de Vere the fourth sister.

Roger Bertram of Bothall had summons to the same parliament of the 45 of Hen. III., as his namesake Roger of Mideford. Robert, his son, held the castle of Bothall, the 28 Edw. I.* He married Margaret, one of the daughters and co-heirs of William Felton, and at his decease left an only daughter and heir, Helen, who became the wife of Sir Robert Ogle, knight; from whom descended the barons Ogle, afterwards summoned to Parliament.

* Pat. Rot.
28 Edw. I.,
m. 7.

BODRIGAN.—(3 Edw. II.)

The name of Bodrigan, or Bodrugan, is very ancient,† and is said to be derived from a manor so denominated in the county of Cornwall.

Henry de Bodrigan, in the reign of Henry III., had a grant‡ of a market and fair at Pendrun, in Cornwall; after whom, was another

Henry de Bodrigan, who, having married Sibylla, sister and heir to Walter de Maundeville, had livery of her lands, 17 Edw. I.;§ afterwards, 2 Edw. II. He was found heir to his uncle William Bodrigan, who died the year before,|| and, performing his homage, had livery of the inheritance,¶ which had so devolved upon him; but this Henry appears to have died in the same year; for then the king's escheator had command** to take into his hands all such lands, whereof the said Henry was seised at the time of his death, which, from the record,†† must have been of great extent; comprehending, among others, the manor of Bodrigan; as also those of his uncle William, and such as were the inheritance of his wife Sibylla, in the county of Bedford.‡‡

But as this Henry deceased in 2 Edw. II., he cannot be the person who had summons to parliament in the year following, unless it be considered, that, according to the then computation of time (old style), his death and the writ of summons were of contemporaneous date, which queries whether he ever took his seat under the writ of summons, and, as such, ever became a baron, so as to render his posterity entitled to claim that degree of dignity from the writ, which bears evidence that it was of a parliamentary nature. Any further account, therefore, of this family, becomes unnecessary, though it may be observed, that

Otto de Bodrigan, 20§§ Edw. II., had the custody of the island of Lunday committed to his charge, together with its appendages; and when he died, was seised of a very considerable estate at Bodrigan, and elsewhere, in the county of Cornwall, anno 5 Edw. III.,||| at which period, Henry Bodrigan, his son is likewise named, and mentioned to be deceased.¶¶

§ Original.
20 Edw. II.
Rot. 8.
|| Esch.
5 Edw. III.
n. 78.
¶¶ Original.
5 Edw. III.
Rot 22.

BOLEBEC.—(45 HEN. III).

Hugh de Bolebek had summons to the parliament with the earls and other barons named in the writ* convened to meet in London, the 45 Hen. III.; but is not mentioned to have been so summoned in Dugdale's list of summons. He appears to have been the son of Walter de Bolebec, by Margaret, one of the three sisters and co-heirs of Richard de Montfechet, the chief seat of whose barony was at Stansted Montfechet, in Essex,—and dying without issue male, his four daughters became his co-heirs; whereof Philippa married Roger de Lancaster; Margery—first, Nicholas Corbet—secondly, Ralph, son of William, Lord of Grimthorpe; Maud was wife of Hugh de la Val; and Alice of Walter de Huntercombe. But Lysons in his History of Cambridgeshire, p. 85, says that Hugh de Bolebec married Margaret Montfechet, and that all his daughters died s. p. except the wife of Lancaster.

* Claus. Rot.
45 Hen. III.
m. 3. Dorso.

BOLTEBY.—(45 HEN. III).

Nicholas de Bolteby had summons to the parliament summoned to meet in London, the 45 Hen. III.; his name being mentioned in the consimilar writ of the earls and barons therein convened. He married Philippa, daughter and heir of Adam de Tyndale, baron of South Tyndale, in the county of Northumberland. Adam, his son, died the 10th of Edw. I., before any regular continuation of summons to parliament is on record. He left only female issue, whereof Isabel, his eldest daughter and co-heir, is said to have married—first, Adam de Multon, then bearing the name of Lucie; and afterwards William Tunstall. The other daughter and co-heir married—first, William de Cantilupe—and secondly, Alan de Walkringham.—(Vide Estreat, p. 204, Rot. II., Anora wife of Adam de Bolteby).

BOUTEVELEYN.—(24 EDW. I).

Of this name it appears, that Robert *Butevilein*, in the time of Hen. II.,† held two knights' fees of Walter de Wahull, and three of Roger Bigot, earl of Norfolk,‡ which fees were afterwards holden by

William Butevilein, his son, who founded § Pipewell Abbey, in Northamptonshire, in which county he held lands, at Pipewell and elsewhere.|| He was in great favour with Henry II., who, upon going into Normandy, gave him a writ, directed to the bishops of Lincoln and Norwich, and to all his liege people, English and Normans, of

† Hearne's
Lib. Nig.
Scacc. Vol. I.
p. 201.
‡ Ib. p. 284.
§ Mon. Ang.
Vol. I. p. 817.
Camden In
Britannia.
|| Lib. Feod.
Vol. I. p. 117.

* Vol. VII. p. 32. Humbleyd. Northamptonshire, Norfolk, and Suffolk, granting him all the lands, and other liberties which his father had enjoyed. He married, according to the History of Norfolk,* Joan, daughter of Sir Ralph Camois, knight, and had issue Robert, father of another

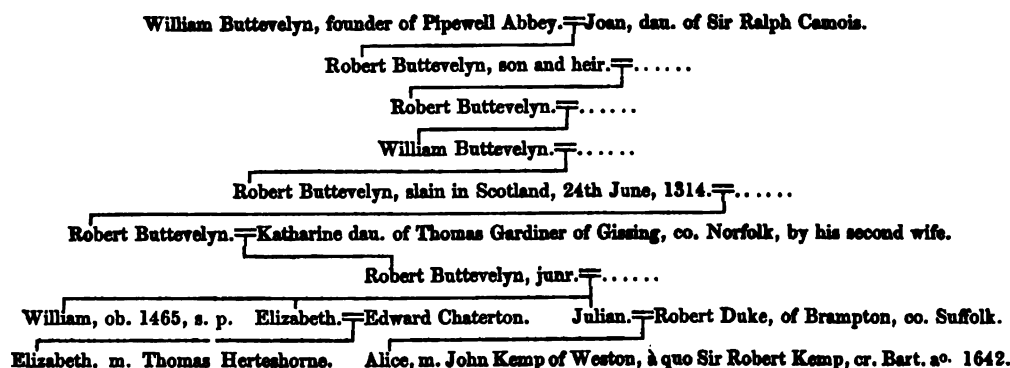
Robert Butevelein, his son and heir, who is, probably, the same person, called by † p. 852. Matthew Paris, Roger,† and who was taken in arms against the king at Northampton, 48 Hen. III., (1264), but was afterwards pardoned.

‡ Dugd. Lists Sum. William Bouteveleyn, successor to Robert, was, 24‡ Edw. I., one of those considerable men who had summons to attend the great council, then appointed to convene at Newcastle-upon-Tyne, upon the subject of an expedition against the Scots. But after this period the name* of Bouteveleyn is no more noticed upon any similar occasion, although the posterity of this William long continued to possess considerable

§ Hist. of Norf. Vol. VII. p. 32. Humbleyd. || Bridge's Hist. North. ¶ Hist. of Norf. at antea Vol. I. p. 177-9. estates in Norfolk,§ Northamptonshire,|| and elsewhere; which at length came to two sisters, who, in their issue, were the co-heirs to their brother, William Bouteveleyn, who died without issue circ. 1465. Of these ladies,¶ Elizabeth married Edmund Chaterton, and left an only daughter, who wedded Thomas Hertshorne, of Gissing, esq.; Julian became the wife of Robert Duke, of Brampton in Suffolk, esq., and left an only daughter Alice, who espoused John Kemp, of Weston, esq.; between which John, and Thomas, the inheritance was afterwards divided. John Kemp had a son, Robert, from whom descended Sir Robert Kemp, created a Bart. in 1642.

* A Robert Boutevilain is mentioned in the roll of those who were tilers at the tournament at Stebenhithe (Stepney), or Dunstable, the 2 Edw. II., and bore for Arms, viz. *Arg. 3 Crescents Gu.*

BUTTEVELYN.—(ARMS. Argent, three Crescents Gules).



BRABAZON.—(8 EDW. II.)

This name is considered to have been assumed,* from the province of Brabant, in Flanders, out of which country the ancestor of this family is asserted to have come over with William the Conqueror.† Be this point, however, as it may, certain it is that

Roger le Brabazon, in the time of Hen. III., held lands at Moseley, (sive Musely), in Leicestershire; and, according to Mr. Lodge,‡ married Beatrix, one of the sisters and co-heirs to Manser Biset, relict of William Keleby,§ and by her had issue two sons, Roger and Matthew: of these,

Roger le Brabazon, the eldest, 28 Edw. I.,|| had a license for a market and fair, at his manor of Sibertofte, in the county of Northampton; as also for free warren there, and at his lands in Leicester, Derby, and Nottinghamshire: the like privilege he also obtained in 35 Edw. I.¶ for other lands at Pickwell, in Leicestershire; Rowlandrich, in Oxfordshire; and Kneveton, in Derbyshire.

This Roger was a person of great note, and was made one of the judges of the court of King's Bench, 18 Edw. I.,** after when, in the 24th of the same reign, he was constituted Chief Justice of the Common Pleas;†† in which capacity of one of the king's judges, he had summons to parliament‡‡ from 23 Edw. I. to the 8 Edw. II.; but in that year, and in several preceding years he had summons among the barons of the realm; for, it seems, that the parliament in those days was (not unfrequently) called together by a consimilar writ,§§ directed as well to the nobles as to the king's justices, which latter were not, on these occasions, distinguished from the barons as *cæteris de consilio nostro*.^a

At length, having served the crown to a very old age,||| he was allowed to retire from his seat on the bench; but the king nevertheless retained¶¶ him as one of his council.

He married Beatrix,*** daughter and heir to Sir John Sproxton, of Sproxton, in the county of Leicester; but Lodge**† says he died without issue, and was succeeded in his inheritance by Matthew, his brother and heir before mentioned; which Matthew^b was ancestor to the Brabazons earls of Meath in Ireland. However, if Burton**† is to be ac-

^a It may be observed, that some of the Justices and king's counsel were considerable tenants in capite de Corona; which may account for their being occasionally summoned by the same writ as the barons; though afterwards included in the summons with the other judges.

^b Mr. Lodge, for the truth of his statement, cites an inquisition taken the 19 Edw. II. (Esch. n. 52), proving him heir to his brother; and that by Sarah, his wife, he had two sons; *vis.* William, his heir, and Roger, prior of Tinmouth. William lived at Garthorpe, county of Leicester, which manor, with that of Sproxton, were given him by his uncle Roger, the judge. This William married the daughter of Trussel, and had issue two sons, John, his heir, and Thomas, ancestor to the earl of Meath: John married Agnes Watton, and had a daughter and heir, Joan as above mentioned. The material point of this difference between Burton and Lodge is, that, if any baronial honour was vested in the judge, it passed to his issue according to Burton; but, if he had no issue, as Lodge asserts, then it became extinct. Lodge, however, seems wrong in making Thomas a brother of John, unless he was a son by a second wife.

* Lodge's Irish Peerage.

† Battle Abbey Roll.

‡ Lodge's Irish Peerage.
§ Original. 21 Edw. I. Rot. 7

|| Rot. Char. 28 Edw. I. n. 6.

¶ Ibid. 35 Edw. I. n. 39.

** Chron. Jurid.
†† Ibid.

‡‡ Dagd. List. Sum.

§§ Ibid.

||| Chron. Jurid.
¶¶ Rot. Pat. 9 Edw. II. m. 31.

*** Esch. 11 Edw. II. n. 42.
**† Lodge's Irish Peerage. Vol. I. p. 177.
**† Hist. of Leic. p. 250.

credited, he had issue a son, William Brabazon, who married Jenet, daughter of William Trussel, and had a son, John Brabazon, who by Agnes his wife, daughter of Richard Whatton, had Joan, his sole daughter and heir, who carried the said manor of Sproxton in marriage to William Woodford.

* Inq. ad Quod Dam. 9 Edw. II. n. 150. 200. This Roger le Brabazon is recorded as a great benefactor * to several religious houses; viz. the abbey of Newborough, the priory of Tickford, and the abbey of Westminster.†
† Ibid. 10 Edw. II. n. 73.

BRITANNIA.—(33 Edw. I).

The name of John de Britannia occurs in the writ of summons to parliament of 33 Edw. I. ‡ in which writ he is denominated *John de Britannia, junior*, this was by reason that his father John, duke of Brittain, or de Britannia, was then living. This

§ Mille's Cat. of Hon. || Sandford's Genral Hist. John de Britannia, junior, appears to be a younger son § of John de Dreux, duke of Brittain, and earl of Richmond; which duke John married || Beatrice, daughter of king Henry III., and had issue several sons. Of these,

¶ Mille's ut suprâ. *† Ibid. Arthur, the eldest, succeeded him in the dukedom; and John, the second son, by the favour¶ of king Edward I. and the surrender of his father, obtained*† the earldom of Richmond, of which title he is mentioned in the writ of summons of 34 Edw. I. and by which dignity he afterwards continued to be called to parliament.

*† Cat. of Nob. per R. B. *§ Mille's Cat. of Hon. He is stated to have built the body of the church of the Grey Friars, in Newgate-street, in 34 Edw. I., where, upon his death, he was buried, according*† to Ralph Brooke; but Milles, in Glover's book, says that he died in Little Brittain, and was interred*§ at Vanys, anno 1334.*

He had no issue; on which his title of earl of Richmond was given to John, his nephew and heir, son of Arthur, duke of Brittain, (or Brittany), before mentioned.

*|| Rot. Pat. 33 Edw. I. m. 6. *¶ Ibid. It appears, that the said John de Britannia, by the addition of *junior*, was, 33 Edw. I., appointed*|| the king's locum tenens in Scotland, with a grant of three thousand marks per annum*¶ out of the issues of that kingdom.

BRITON, OR BRETUN.—(29 Edw. I).

Of this name, there are noticed several very eminent persons; whereof,

*** Hearne's Lib. Nig. Scacc. Walter Briton, in 12 Hen. II., upon the assessment of aid for marriage of Maud, the king's daughter, certified*** that he held fifteen knights' fees, de veteri feoffamento, of the

* Leland also states, that he died in Brittain, and was buried at Vanes, but says anno 1330.

earl of Moreton, and that William Briton held of him one knight's fee. Of this barony a moiety afterwards came to Walter Croc, nephew of the said Walter Briton; which Walter Croc, in the 2nd of king John, surrendered the same to the king, to the end that he would enfeof Richard Briwere thereof, to hold the said moiety to him and his heirs, of the king and his heirs in capite.*

Thomas Briton is another person, who was of great consideration in his time, and, along with Alice his wife, was found one of the co-heirs to Bryan de Lisle,† and had accordingly, livery‡ of such part of the inheritance, as in the division was allotted for their share. This Thomas Briton seems to have been the son and heir of a William de Briton; for Hutchins, in his History of Dorset, states§ that, in the 3rd of king John, Brian de Lisle, of Brienston, in the said county, (whose chief seat was in Yorkshire), paid a fine of one hundred and twenty marks for the wardship and marriage of the heir of William Briton. From this line, likely, descended Philip Briton, who, 35 Edw. I.,|| was seised of a considerable estate in the county of York. Contemporary with this Thomas, was

Ranulph Briton, who, 11 Hen. III.,¶ held to him and his heirs certain lands at Blatherwick, in Northamptonshire; and the 12th of the same reign, had of the grant of the prior of Longa-Villa** certain lands and privileges in a place called Kingescrabbe, and Stocholt, in the said county; where, also, in 15 Hen. III.,†† he had the manor of Oxe-thorpe. This Ranulph was a person of consideration, and was Chancellor as well to the king as to the queen,‡‡ in which office§§ he died of an apoplexy, circ. anno 1247, the 31 Hen. III.||||

John Briton (another person of great eminence), was bishop of Hereford, and is represented to have been a great lawyer, which, if so, he may have been the same who, 53 Hen. III.,¶¶ was made one of the king's justices. He is asserted by some to have written an excellent treatise upon the laws; but as the bishop died early in the reign of Edward I., and the book notices several statutes subsequent to that time, it is considered by bishop Nicholson*† to have been compiled by that John Briton, the judge,*‡ who was living in 1 Edw. II.

William Briton, a person also of some note (coeval with Ranulph and the bishop), in 15 Hen. III.,*§ held lands at Dudinton, in Northamptonshire, and in the following year had a license*|| for his dogs to hunt the fox, &c. He died about the 45 Hen. III.,*¶ being then seised of divers lands and manors at Boxted and Stanway, in Essex; Dodinton, Blatherwick, &c., in Northamptonshire; Cranden, in Cambridgeshire; and at Westleye, Burgh, Dollingham, and elsewhere on this side the Trent, holden of the king in capite.

John Briton son and heir of William, had livery*** of his inheritance in the same year of his father's death. He had issue**† another John,**‡ who died about the 34 Edw. I.,**§ leaving issue a son John, who died under age the 4 Edw. II.,**|| and a daughter Maud, who became heir to her brother, and had livery of her lands the same year, being

* Mag. Rot.
2. Joh. Rot.
7. a. Dors. & Somers.

† Vide Hutchin's Hist. Dors. Vol. I. p. 84.
‡ Mag. Rot. Scacc. 19 Hen. III. Dors. and Som.
§ Vol. I. p. 84.

|| Esch. 35 Edw. I. n. 22.

¶ Char. Rot. 11 Hen. III. n. 26.

** Ibid. 12 Hen. III. n. 2.

†† Ibid. 15 Hen. III. n. 6.

‡‡ Chron. Jurid.

§§ Ibid.
|| Matt. Par. anno 1247, p. 627.

¶¶ Rot. Pat. 33 Hen. III. m. 1. n. 2.

*† Nicholson's Hist. Librar.

*‡ Chro. Jurid.

*§ Chart. Rot. 15 Hen. III. n. 6.

*|| Ibid. 16 Hen. III. n. 19.

*¶ Esch. 45 Hen. III. n. 18.

*** Original 45 Hen. III. Rot. 5.

**† Lib. Feod. Mil. 24 Edw. I.

**‡ Original. 45 Hen. III. Rot. 5.

**§ Esch. 34 Edw. I. n. 29.

**|| Ibid. 4 Edw. II. n. 32.

* Original. 4 then* of full age, and the wife of Richard de la Rivere, by whom she had a daughter
Edw. II. Rot. Margaret,† who married Sir Edmund de Thorpe; as also several other daughters, whereof
16. Ess. one married Sir Robert Swillington; another John Garleke, and another Sir Robert
† Esch. 49 one married Sir Robert Swillington; another John Garleke, and another Sir Robert
Edw. III. n. Corbet.‡ The before said
32. 2d No.

‡ Hist. of Norf. John Breton is mentioned in 17 Edw. I., when he had committed to his charge§
Vol. VIII. p. 37. the custody of the city of London, which for divers causes, the king had seized into his
§ Original. 17 own hands; which charge was again granted to him in the 21st|| of the same reign;
Edw. I. m. 13. after when, in 25 Edw. I., he was directed to amerce the aldermen, sheriffs, and other
|| Rot. Pat. 21 magistrates of the said city, by further letters patent¶ dated at Tunbridge, the 5th of
Edw. I. m. 13. August, in the year aforesaid.

¶ Ibid. 25
Edw. I.

** Dugd.
Lists Sum.

In 29 Edw. I. the name of John Breton is again noticed on a particular occasion, at which period he was one of those great men, who, though not having had summons** to the parliament at Lincoln, nevertheless affixed his seal to that memorable letter which was sent to the pope, asserting the king's supremacy over the realm of Scotland: at which time he was denominated "*Johannes le Briton, Dominus de Sporle*."

†† Chron.
Jurid. etiam.
Dugd. Lists of
Summ.

Whether he was the same person who was the judge†† and wrote the Dissertation upon the Laws, as before observed, is not certain; but according to Bloomfield, though he was one of the justices of *Trail Barston*, in the 33 Edw. I., it does not follow that he was the author.

‡‡ Hist. Co. of
Norf. Vol. VI.
p. 118. S.

This John le Breton,* styled *Dominus de Sporle*, appears to be of that branch which had estates in the county of Norfolk, where Sporle is the name of a manor‡‡ in the Hundred of South Greenhoe, near Swaffham.

§§ Ibid. Vol.
VIII. p. 141.
Shrop.
|| Mad. Bar.
Angl. p. 54.
citing Hil. Fin.
18 Ric. II.
Rot. 1. b.
¶¶ Vol. III.
p. 116-17.
Eynsford.

Of this family the history of Norfolk§§ relates, that Peter le Breton, of Shropham, obtained by grant from John le Veyle, of Barningham, a manor called Breton's, or Pakenham's manor, in the Hundred of Shropham, which afterwards came to be divided||| among the two sisters and co-heirs of Henry de Breton; of which, Lettice married John Herring, of Thompson, and Agnes wedded Henry Pakenham.

¶¶ Vol. III.
p. 116-17.
Eynsford.

With regard to this ancient family of Breton, the History of Norfolk¶¶ further observes, that

*† Ibid.

Thorald le Breton was living at Witchingham, in that county, the 31 Hen. III.: he married Aveline, daughter or sister to Ralph le Vilechen, of Holkham; after whom, was Edmund le Breton, of Witchingham, who, by Ermentrude his wife, was father of William Breton, who lived in the time of Edward I., and married Elizabeth, daughter and co-heir to — Yarmouth, by whom he had William, his son and heir; who, according to the same authority,*† was father or grandfather to John Breton of Witchingham,

* Styled a Parliamentary Baron by Bloomfield, vol. 5. p. 987, fol. edit. Norf. vide 8vo. edit. vol. 9. p. 478. He had a son John who died in 1311, leaving Maud his sister and heir, the wife of Richard de la Rivere, of Aungre, in Essex, who in her right had Sporle.—*Vide Ripariis*.

who married Mary, daughter and co-heir to Sir Hamon Felton, and had issue John Breton, whose posterity long continued to possess Witchingham. Of this family, says the same history,* was the famous John Breton (before mentioned), bishop of Hereford.

* Vol. III. p. 116-7.
Eynsford.

It should, however, not pass unnoticed, that there was a William Breton, who, 24 Edw. I., had summons† to attend a great council at Newcastle-upon-Tyne, well furnished with horse and arms to march against the Scots: but who the said William was, is not satisfactorily established: he might be the first William, before mentioned. The writ, however, was not addressed to him in the capacity of a baron.

† Dug. Lists of Summ.

BROMWICH.—(35 EDW. III.)

John de Bromwich, 35 Edw. III., had summons to attend a great council at Westminster, touching the affairs of Ireland; but it is doubtful how far he was summoned either as a baron, or in the capacity of a baron of England, or of Ireland. He, not unlikely, was the same John who married Elizabeth, widow of Richard, lord Talbot, and daughter (and at length one of the co-heiresses) of John Comyn de Badinach.‡

‡ Vide Dorm. and Ext. Bar. Vol. I. p. 35.
§ Dugd. Antiq. War. p. 648.

The family of Bromwich was of high repute, and settled at Castle Bromwich in Warwickshire:§ of which line was Henry de Bromwich, 16 Edw. II., whose daughter and heiress Isabel, married, first, William de Peto, who died s.p.; and secondly, John de la Roche, by whom she had a son Thomas, who had issue two daughters, his coheir-esses,—as, under the article De la Roche, is more fully set forth.

BRUNE, OR BRUYN.—(6 EDW. II.)

This family is certainly of very ancient date, and eminent degree; but from whence originally derived, is not ascertained.

Milles, (the nephew and executor of the celebrated Robert Glover, Somerset Herald), states,|| that Hugh le Brun, earl of the marches of Aquitaine, and lord of Lusignan and Valence, in Poictou,¶ married Isabel, daughter and heir of Aymer, earl of Angouleme, relict of king John, and by him had issue divers children, who were much advanced to honours and preferments by their half brother, king Henry III. But, as the name was of some note in England prior to that æra, there is nothing to warrant a deduction of the family from that stock.

|| Mille's Cat. of Hon.
¶ Cat. of Noc. per R. B.

Brune is the name of a hundred in Lincolnshire, where according to the Testa de Nevile,

Geffery, the son of Josce de Brune, in the time of Henry III., held** the third part

** Lib. Feod. Vol. II. p. 443.

* Dagd.
Lia. Sum.

of a knight's fee of Ralph de Gousele. This purports him to be the same who, by the denomination of *Dominus Galfridus de Brunne*, was called upon by a summons* of service, 24 Edw. I., to attend with horse and arms, at Newcastle-upon-Tyne, preparatory to an expedition against the Scots.

But there appears to have been a more ancient family of this name, whereof

† Nicholson &
Burn's Hist. of
Cumb. and
Westmorland
Vol. II. p. 123.

Gamel le Brun,† in the time of Henry I., had a grant from Waldie, son of Gospatric, earl of Dunbar, of the lordships of Bothill, Beaumont, Glasson, Drumbugh, and Bowness, in the demesne of Allerdale, below Derwent. The posterity of Gamel for a long time, inherited these possessions.

‡ Esch. 6 Edw.
II. n. 38. Cumb.
§ Original. 6
Edw. II. Rot.
13.

Richard le Brun died, seised of them, 6 Edward II.,‡ and then Robert le Brun, his son, had livery§ of his father's lands. At length, the estate fell to another Richard le Brun, who had three daughters and co-heirs, of which, one married Nicholas Harrington; another, William Culwen, of Workington; and a third, Thomas Bowet, of ———.

|| Nicolson &
Burn, ut supra
567.

Of this family, Robert, (*written le Bruyn*), of Drumbugh Castle, was sheriff of Cumberland, 19 Edw. II.,|| and also one of the knights of the shire¶ for the said county, 10 & 20 Edw. II., and 1 Edw. III.

¶ Ibid. 576.
** Dug. Bar.
Vol. I.

Of this name, likewise was Richard le Brun, who married Albreda,** daughter of Walter de Cormeiles, a considerable baron in the counties of Hereford and Gloucester, whose lands were holden from the time of the conquest†† of the king in capite *per baroniam*.‡‡ This Richard had issue

†† Lib. Feod.
Vol. I. p. 308,
‡‡ Ibid.

John le Brun, who, after the death of Walter de Cormeiles, 2 Hen. III., was found one of his co-heirs,§§ and in such capacity became possessed of certain parts of that inheritance in the counties before mentioned. To this John, who deceased about 30 Hen.

||| Esch. 30
Hen. III. n. 53.
¶¶ Ibid. 31
Edw. I. n. 169

III.,||| succeeded another

¶¶ Ibid. 31
Edw. I. n. 169

John le Brun, who 31 Edw. I.,¶¶ had license to enfeof John de Acton, of the manors of Elkeston and Wyneston, with other lands in the county of Gloucester; and, in the same year, being then denominated *John le Brun de Elkeston*, (parcel of the Cormeiles' barony), had license along with Margery*† his wife, to give certain lands to the abbey of Wynchecumbe, in Gloucestershire. After this, he died, about 33 Edw. I.,*† being then seised of the manor of Tadynton, the village of Bollynhope, and fifteen free tenants in Cleyhangre, in the county of Hereford.

*† Ib. n. 163.
*† Ibid. 33
Edw. I. n. 27.

But the principal person of this name, who attained to parliamentary distinction, was

*§ Rot. Cha.
5 Edw. I. n. 19.

Sir William le Brun, knight, who, in 5 Edw. I., had a grant*§ of the manors of Fordingbridge and Rownore, in Hampshire; and of Randolveston, in the county of Dorset, to hold to himself and his heirs for ever; where, and at Midgham, and Rerley, in

*|| Ibid.
*¶ Morant's
Essex. Vol. I.
p. 99.

Hants, he had a license for free warren, 11 Edw. I.*||

This Sir William, by some authorities, is stated*¶ to have married Isolda, daughter

and heir of Philip Rokesle, of Okendon, in Essex : ^a which Isolda was one of the maids of honour to queen Eleanor, wife of Edward I. He died 29 Edw. I.,* leaving

* Esch. 29
Edw. I. n. 44.

Maurice de Brune,^b his son and heir, who became a person of considerable note, and had summons to parliament among the barons of the realm, from the 6th to the 15 Edw. II., both inclusive ; † as also in the 1 Edw. III.

† Dugd. Lists
of Sum.
‡ Esch. 29
Edw. III. n. 39.

This Maurice (written often *de Bruyn*,) deceased the 29 Edw. III., being then ‡ seised of very extensive estates in the several counties of Southampton, Dorset, and Essex. He married Maud, daughter and heir of Sir Philip Rokelle, knight, and thereby greatly augmented his estate.

William le Bruyn, son and heir of Maurice, was successor to his father's lands, but is not stated to have had the like summons to parliament. In the 20 Edw. III. he gave § a fine of forty shillings for the king's license to his father to enfeof him of the manor of Randolveston, to hold to himself and his heirs for ever. He died about the 36 Edw. III.,|| being then seised of the said manor, with divers others in Dorsetshire, Hampshire, Essex, and elsewhere.^c

§ Original 20
Edw. III.
Rot. 35.
|| Esch. 36
Edw. III. n. 31.

He married Alice, daughter of Richard Layer, alderman of London, (who survived him, and re-married Sir Robert Marney, knight), by whom he had two sons, Ingelram and Richard ;^d of these,

^a In the authorities stating the marriages of William le Brun, and Maurice his son, there occurs a great degree of contradiction ; for, exclusive of their being both made to marry the daughter of *Philip de Rokesle*, the said authorities differ as to the name of William de Bruyn's wife.

In the 4 Edw. I. the record mentions one *Acheline*, wife to a William le Brune ; which Acheline was one of the daughters and co-heirs of Eustace de Watford, of Watford, in the county of Northampton, and had livery then made to her of her portion of her father's inheritance.—Originalia, 4 Edw. I. Rot. 12. Northamp.

^b He is probably the same mentioned as *Sir Moryns le Broun*, one of the tilers at the tournament at Stebenhithe, (Stepney), or Dunstable, the 7 Edw. II., when he bore for arms, viz. *Arg. a Cross Moline, Or.*

^c Vide Rot. Parl. 13 Edw. IV. A.D. 1473. v. 6. c. 70.—William son of Piers, son of Edward Shetford, cousin and heir to Joan, one of the sisters and heirs of Sir William Bruyen, knight, also Thomas Bodulgate, cousin and heir to Alice, and sister of the said Sir William Bruyen.

^d Hutchins, in his History of Dorsetshire, (Vol. II. p. 320), asserts, that William le Bruyn left a daughter and heir, Joan, wife of Thomas Overton, who, 45 Edw. III., released to Sir Robert Marney, knight, and Alice his wife, and to Ingelram and Richard, *her brothers*, her right in the manors of Randolveston, South Okendon in Essex, and Bekenham in Kent, and Rownore and Midgham in Hants. This rather intimates that the said Joan must have been the issue of a former wife, and entitled to the manors here recited, under some settlement or other, and as such, that Ingelram and Richard were her half-brothers.

N.B.—Philpot in his History of Kent, (p. 63, Bekenham near Bromley,) says the name in Latin records was *de rupella* ; in French, *De la Rochel* ; in English, Rokely, (derived from Rochel in France,) that Richard de Rokely died seised of Bekenham int. alia, 5 Edw. I. (Esch. no. 6) and was succeeded by Philip de Rokely, who left an only daughter Isolda, who married William Bruin ; and had Sir Maurice, chamberlain to Edw. III., and summoned to parliament as a Baron. He died the 29 Edw. III.—no. 38. Philip de Rokely died 23 Edw. I.—Esch. no. 39.

Ingelram le Bruyn, the eldest, married Elizabeth, daughter of Sir Edmund * de la Pole, (one of the co-heirs of the barony of Handlo,) and had issue,*
 * Morant's
 Essex.
 † Rot. Pat. 13
 Hen. VI. n. 14.
 ‡ Rot. Cha.
 38 and 54
 Hen. III.
 Sir Maurice le Bruyn, knt., who, 13 Hen. VI., obtained† a confirmation of those charters of free warren for his lands in Kent, Wiltshire, and Essex, which were granted by Henry III. ‡ to his ancestor Richard de la Rockele. He married Elizabeth, daughter of Sir Henry Radford, (or Ratford), knight, and had issue two sons, Henry and Thomas, hereafter named.

Henry le Bruyn, the eldest son, died in his father's lifetime, having married Elizabeth, daughter and co-heir of Sir Robert Darcy, of Maldon, § in Kent, and had issue by her, two daughters, who became his co-heirs, and the co-heirs general of Sir Maurice le Bruyn their grandfather; and in such capacity became also the heirs general to the barony (if any was created), arising from the personal writ of summons of their ancestor Maurice le Brune, (or Bruyn), to parliament in the reign of Edward II., as before mentioned. Of these two co-heirs,

|| Hutchin's
 Dorset.
 ¶ Morant's
 Essex.
 Alice le Bruyn, the eldest, married, first, || Sir Robert Harleston, by whom she had a son John; secondly, John Heveningham, by whom she had a son George; and thirdly, according to Morant, ¶ William Berners, Esq.

Elizabeth le Bruyn, the second co-heir, married, first, Thomas Tirrel, of Herons and Okendon, in Essex, by whom she had issue William and Hugh **; secondly, Sir William Brandon, knight, by whom she had the famous Charles Brandon duke of Suffolk; thirdly, William Mallory, esq.; but this gentleman is by some authorities †† represented as the first husband of Elizabeth.

The Eldest male line of the Le Bruyns, having thus terminated in female issue, Thomas le Bruyn, second son of Sir Maurice, was the male continuator of the family, and as such, 21 Edw. IV., had license †† to enter upon the entailed lands. He married Elizabeth, cousin and co-heir of William Sturmy, of Wolf-hall, esq., and had issue John, father of another John, whose son

Henry Brune, by Elizabeth, daughter and co-heir of Nicholas Martin, of Athelhampston, of an ancient baronial family,^b had issue John, who married Bridget, daughter of Sir Edward Seymour, of Berry Pomeroy, in Devonshire, but died without issue, circ. 1639: and

Charles Brune, who was of Plumber, in the county of Dorset; and by Mary, the

* Some authorities make a John to be son of Ingelram, and to have left a daughter and heir Margery, who by Arches, had Margery Shakyll, her daughter and heiress.

^b This Nicholas Martin married Margaret, daughter and heir of John, and sister of Nicholas Wadham, of Merryfield, in the county of Somerset. The said Nicholas Martin was son of Robert, by Elizabeth, daughter and heir of John Kelway, of Rockburne, in Hampshire; which Robert was son and heir of Thomas Martin, by Mary daughter of James, brother to Giles, lord Daubeney.

daughter of Robert Coker, of Mapauder, esq., had two sons; viz. John and Charles; of these, the eldest

John Brune, died circ. 1645, having had issue by Mary his wife, daughter of Edward Hooper, of Boveridge, esq., an only daughter Mary, who married Sir Ralph Bankes, knight, of Corfe Castle, in the county of Dorset, ancestor of the present Henry Bankes, esq., of the same place, and of Kingston Hall, in the county aforesaid, who is now the lineal heir general descended from Thomas, second son of Sir Maurice Bruyn, great-grandson of Maurice, the baron who had summons to parliament in the reign of Edward II.

Charles Brune, esq., youngest son of Charles and Mary Coker, was twice married, and by Jane, daughter of Henry Collier, of Hermitage, esq., his second wife, had issue Charles, who, by Betty, (or Elizabeth), daughter and heir of Mr. Jeffery, of Bagboro' in Somersetshire, had several sons who died issueless,* and three daughters, Betty, Jenny, and Mary; whereof Betty married Morton Pleydell, of Shitterton, esq., and had issue a son, Charles Pleydell Brune, esq., living anno 1770.

* Hutchin's
Dorset, Vol. II.
p. 358.

BUSCY.—(1 EDW. III).

Roger de Buisli, Bussei, or Bussey, at the time of the general survey,† held divers lordships in different counties, particularly in Derbyshire, Leicestershire, Yorkshire, and Nottinghamshire; his chief residence being at Tickhill Castle, in Yorkshire, and at Blythe, on the confines of Nottinghamshire.

By Idonea, the daughter and heir of John de Buisli, grandson (according to Dugdale)‡ of the aforesaid Roger,* the estate of Tickhill, with a great inheritance, passed into the family of Vipount, and thus the first male branch of this house terminated in female issue; but the male line appears nevertheless still to have continued in some collateral or younger representatives. Of these

† Dug. Bar.
Vol. I. p. 455.

Hugh de Bussey (or Buissent), 12 Hen. II., was certified§ to hold three knights' fees of Robert, then bishop of Lincoln; of whom, also, it was at the same time|| certified, that the son, (the name unmentioned) of William de Buissent held six knights' fees.

§ Hearne's
Lib. Nig. Scaco
Vol. I. p. 260.
|| Ibid.

Robert de Bussey (but from whence descended is not related), is said to have been lord of Weldon, in Northamptonshire, and to have had a daughter, who, by Hugh Lupus, earl of Chester, had a daughter Geva, afterwards married to Gefferey Ridel, whose daughter and heiress, by her marriage with Richard, the son of Ralph Basset, carried the Weldon estate into that family.¶

¶ Vide Basset
of Weldon.

* According to other accounts, the said John de Buisli (or Bussey), was son of Richard, son of Jordan, son of Ernald, brother to the said Roger, who by Muriel his wife, had a son Roger, who died s.p. temp. Henry II., and had a daughter Beatrix, whose husband was William, earl of Ewe, from whom descended that John, earl of Ewe, who, 18 Edw. I. was claimant to the honour of Tickhill.

* Leland,
Vol. I. p. 102,
f. 107.
† Mag. Rot.
4 Hen. II.
Rot. 4. a.

A William de Bussey* married Hawyse, one of the sisters and co-heirs to Walter Espee, a great and famous baron, and fined† one hundred marks of silver to have a partition of the lands of that inheritance, along with Robert de Ros and Nicholas Traili, the other co-heirs.

But the branch of the Busseys which seems to have continued the longest, and to have been in later times of the most eminent degree, had their chief seat in Lincolnshire: of which stock was

‡ Rot. Char.
41 Hen. III
(In alio loco)
m. 6.

Hugh, the son of Lambert de Bussey, who, 41 Hen. III.,‡ had a charter for free warren in his lands at Acham, in the county of Lincoln and at Wigesil, in Nottinghamshire. Afterwards, 22 Edw. I., he, or another Hugh de Bussey had livery of the lands of Elizabeth, his mother, who was then the widow of John de Albinaco.§ This Hugh, imports to be the same who died the 34 Edw. I., being then seised || of the manors of Balderton and Wigglesley, in the county of Nottingham; together with the manor of Hagham (or Acham), and divers other lands in the county of Lincoln.

¶ Madox Ba-
ronia Ang. p.
182.

** Trin. Fines,
35 Edw. I.
Rot. 66. a.
Linc.

†† Dug. Lists
of Summ.

John de Bussey, son and heir of Hugh, 35 Edw., I., held of the king in capite,¶ two knights' fees of the barony of Gaunt, which being in the king's hands, he was then impleaded for his relief.** This John is most likely the same who, 1 Edw. III., had summons,†† along with divers of the nobility and great men of the realm, to attend the king, with horse and arms, at Newcastle-upon-Tyne, to march against Robert de Brus, king of Scots. But this summons does not purport to be a summons to parliament; for the writ does not contain the words "*de negociis supradictis tractaturi vestrumque consilium impensuri*;" so as to shew that the convocation was considered for the purposes of legislation, but for the purpose of a military expedition.

‡‡ Ibid.

This writ, however, is the only one in which the name of the Bussey family has place; and in the other writs of the same year,‡‡ which are expressed for the meeting of a parliament, the name of John de Bussey (or Busey) is not included.

§§ Leland's
Itiner. Vol. VI.
p. 65, f. 68.

As it is manifest that this family was not of baronial degree, nor advanced to that rank by the summons referred to, a detailed narration of further genealogy becomes unnecessary, and it may, therefore, suffice to conclude, with what the celebrated Leland§§ observes of it; viz.

"The gentilmen comunely called Busseys, cam with the Conqueror out of Normandi. Bussey that was so greate in king Richard the second's dayes, and was behedid at Brightstow, had his principal howse and manor-place at Hougeham, a 3 myles from Granteham. Busses wife that was behedid at Brightstow lyith at Howheham, and divers of the Busses in the same paroche chirch. Bussey now alive, is the 5 or 6 in descent from great Bussey that was behedid, and is the laste heir male of this house. This Busses doughter and heire is marriede onto the sunne and heire of Brightenel of Northamptonshir."^a

^a She is named Agnes, wife of Edmund Brudenell, s.p.—Thoroton's Nottingham. v. i., p. 360.

CINCI SIVE CHINCI, OF YORKSHIRE.—(25 Edw. I.)

Walter^a de Canai, lord of Schirpenbec, in the county of York, the 5th of Stephen, gave fifteen pounds' fine for license to marry whom he should please; but whom he married, Dugdale is silent, merely stating, that he was a benefactor to the monks of Whitby, and was succeeded by

Anfrid de Cinci, his son and heir, who, 12 Hen. II.,* upon the assessment of aid for marrying the king's daughter, certified that he held five knights' fees, for which he paid five marks on the collection of the aid aforesaid, 14 Hen. II. After, when he died, 6 Ric. I., leaving his heir in minority, for whose wardship Hugh Murdac gave one hundred marks; but who this heir was, the Baronage does not notice,† concluding here its account of this branch of the family; which is, however, supplied by Sir Henry Chauncy, in his History of Hertfordshire,‡ most minutely; viz :

Walter de Cinci, son and heir of Anfrid, came of age about 8 Ric. I., and confirmed the gift^b of his father to the canons of St Peter, in York, and married, as it is related, Agnes de Athewick, but died without issue, leaving

Roger de Chauncy,§ his brother and heir, who married Preciosa, daughter of——, and had issue Robert and Hugh, which Hugh, (or, probably, from the length of time, his son) 14 Edw. II., was lord of the manor of Upton, in the county of Northampton.

Robert de Chauncy (or Cinci), son and heir of Roger, was of full age at his father's death, and, in 23 Hen. III., accounted for five knights' fees for the barony of Schirpenbec, which his father held of the king in capite. This Robert left

Thomas, his son and heir, twenty-three years old, whose homage, in the 52 Hen. III., the king received. He married Isabel, the daughter of Philip Chauncy, of Willughton, in the county of Lincoln, by Isabel his wife, daughter and heir to Thomas de Marsey. The 25 Edw. I. he was one of those great men who were summoned to attend the king, to go upon an expedition ||; but as it does not appear that either he, or his descendants had ever afterwards summons to parliament among the barons of the realm, to give any further account of them here becomes unnecessary: yet, on this occasion, it is to be observed, he was styled *Baron de Skirkenbek*.

* This is the first of the family named by Dugdale; but Sir Henry Chauncy (Hist. of Hertf. p. 55.) states, "That Chauncy de Chauncy, near Amiens, in France, came over with the Conqueror, anno 1066, whose sons, William and Auschar de Chauncy, both flourished temp. Hen. I. William, the eldest, purchased the manor of Schirpenbec, in Yorkshire, of Odo Batistarius, a great Norman, who held it by grant of William the Conqueror; (Domesd. Ebor. xxiv.) and this William lived there with Walter his son, above mentioned, who was his successor."

^b Chauncy recites, (Domesd. Ebor. xxiv. p. 56.) that "Anfrid, the son of Walter, the son of William de Cinci, by the consent of Walter and Roger his sons, gave to the canons of St. Peter, in York, one carucate of land in Schirpenbec; and by another deed, with the consent of Maud his wife, gave also one carucate to the hospital of St. Peter's, in the same city."

* Hearne's Lib. Nig. Vol. I. p. 318.

† Dug. Bar. Vol. I. p. 626.

‡ p. 25, and pag. subseq.

|| Clau. Rot. 25 Edw. I. in Dors. 15.

From this ancient and distinguished house descended the learned Sir Henry Chauncy, knight, sergeant-at-law, eminent as an antiquary, and famous for his History of the county of Hertford. He bore for arms;* *viz.* Chauncy of Yorkshire,

* Hist of
Hert. p. 59.

"G. a Cross patonce Arg. on a Chief Az. a Lion passant, O."

Chauncy of Lincolnshire; *viz.*

"Arg. a Chevron G. within a Border, S. charged with 8 Bezants."

CANCI, SIVE CHANCI, OF LINCOLNSHIRE.

† Dug. Bar.
Vol. I. p. 627.
‡ Chauncy's
Hert. p. 60.

§ Hearne's
Lib. Nig.
Scacc. Linc.

Simon de Canci, according to Dugdale,† was cotemporary with Anfrid, the son of Walter de Canci. But Chauncy, in his account of Hertfordshire, and pedigree of the family,‡ makes him brother to the said Anfrid. This Simon, 12 Hen. II., on the assessment of aid for marriage of the king's daughter, certified his knights' fees to be five, *de veteri feoffamento*;§ for which, on the collection of that aid, the 14 Hen. II., he paid five pounds. He was a considerable benefactor to the Knights Templars, and gave to them the church of Wylughton, in the county of Lincoln. His wife was Helewise de Swinope (a Fleming), who probably brought him the manor of Swinope, with several others in the county of Lincoln, which were possessed by his descendants. But, on or before the 30 Hen. II., he died, leaving the said Helewise his wife surviving, and Simon his son and heir, which

|| Dug. Bar.
p. 627.

Simon de Canci, the 6 Ric I., upon the collection of the aid for that king's redemption, paid five pounds for the knights' fees he then held. But, the 17th of John, being one of those great men who were in arms for the redress of the national grievances, he was termed a rebel, and his lands were seised, and given to Richard de Gray. After, when no further mention is made of him in the Baronage.|| Sir Henry Chauncy, however, in his History of Hertfordshire (p. 60), continues the account of his family, and recites, that the said Simon^a married Maud, the youngest sister and heir of Geoffery de Beningwal, and had issue

^a Chauncy also asserts, that Philip de Canci was a younger brother of Simon; which Philip, for his inheritance, had given him the lordship of Swinope, with others in the county of Lincoln: for it appears that, 47 Hen. III., a Philip de Chancy was seised of the said manor, &c. (Inq. P. M. 47 Hen. III., n. 30.);—also, that, 35 Edw. I., another Philip held the same; (Inq. P. M. 35 Edw. I. n. 37), and 4 Edw. II., William, son and heir of Philip de Canci (sive Chauncy) was possessed of the manors of Swinehope, Cotes, Scraythfeld, and Billingeys, in the said county of Lincoln, (Inq. P. M. 4 Edw. II., n. 46); at which time, on his decease, Walter de Gloucester, the king's escheator, had command to take into his hands the lands whereof the said William de Canci (or Chauncy) died seised, (Rot. Orig. Scacc. 4 Edw. II. Rot. 3).

William de Canci, who, by Isabel his wife, was father of Sir Philip de Canci; which Sir Philip de Canci married Isabel, daughter and heir of Thomas Marsey, and had a daughter Isabel, who became the wife of Thomas de Canci, of Schirpenbec: also a son,

Gerard de Canci, his heir and successor, who had an only daughter Isabel, who died issueless; so that Isabel, her aunt, became the heir of this house, who was married, as before mentioned, to Thomas de Canci, of Schirpenbec. This Gerard died 15 Edw. II.,* leaving Ada his wife surviving; who, the same year, had an assignment of dower in the lands of Wylughton and elsewhere, in the county of Lincoln,† and likewise in the manor of Hoghton, in Nottinghamshire.

* Inq. P.M.
15 Edw. II.
n. 45.

† Rot. Orig.
15 Edw. II.
Rot. 14.

CANTELO, SIVE CANTILUPE.—(24 EDW. I).

This house was a younger branch of the Cantilupes, of Aston-Cantilupe, in the county of Warwick, and commenced in the person of John, third son (according to Dugdale ‡) of William de Cantilupe, lord of Aston-Cantilupe, and sheriff of the counties of Warwick, Leicester, Worcester, and Hereford, in the reign of king John and Henry III., which

‡ Dug. Bar.
Vol. I. p. 732.

John de Cantilupe (sometimes written Cantelo) had a charter for free warren in his lands at Funtel, in Wiltshire, 41 Hen. III.;§ and, in the same year, had a charter for his manor of *Snytenfeud*,|| otherwise Sniterfield, in the county of Warwick, which was holden of Thomas de Clinton, by the service of one knight's fee.¶ He married Margery, daughter and heir to William Cummin, of Sniterfield, and had issue John, his successor, and Walter, who was a priest and rector of Sniterfield. He died about the 16 Edw. I.; for in that year,** the king's escheator had command to take into his hands the lands whereof the said John had died seised.

§ Rot. Char.
41 Hen. III.
m. 1.
|| Ibid. m. 2.
¶ Lib. Feod.
Vol. I. p. 443.

** Original.
16 Edw. I.
Rot. 1.

John de Cantilupe, heir to his father, in 24 Edw. I., was one of those who had summons†† to attend, with horse and arms, at Newcastle-upon-Tyne, preparatory to an expedition against the Scots: also, 26 Edw. I., had summons to attend with horse and arms, at Carlisle; on which occasion‡‡ he is denominated a *baron*. He married, according to Collins,§§ Margaret, daughter of John, lord Mohun, of Dunster, and had issue||| a son John, who died before him, and a daughter Eleanor, who became the wife of Thomas West, ancestor to the present viscount Cantilupe and earl Delawar, which Thomas thereby added the Cantilupe inheritance to the patrimony of his family.

†† Dugd.
Lists Sum.

‡‡ Ibid.

§§ Collin's
Peerage, sub
tit. Delawar.
||| Dugd.
Antiq. Co.
Warwick.

Dugdale, in his History of the Cantilupe family,¶¶ has only commenced his account with that William who flourished in the reign of king John, but has not mentioned the line of his descent; it, however, is manifest, that, 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter, one

¶¶ Dugd. Bar.
p. 731.

* Hearne's Lib Nig. Scacc Vol. I. p. 264. at which time also,

† Ibid. Linc. Walter de Cantilupe likewise held † two knights' fees of the same earl. And, if he was the same person, held, ‡ at the period before stated, along with Robert Chevauchésul, four knights' fees of Geoffrey Mandeville, earl of Essex.

§ Ibid. Robert de Cantilupe is also noticed by the said Geoffrey, earl of Essex, as then § holding one knight's fee, as aforesaid.

These three persons are all unnoticed by Dugdale, as are also the following, who, if not of one kindred, were at least *cotemporaries* with the first William de Cantilupe, of whom the baronagian makes mention.

|| Rot. Char. 7 Joh.m.7.(56) Fulk de Cantilupe, in the 7th of king John, had lands|| in the county of Southampton. He was considered one of that monarch's evil servants, and as such is

¶ Matt. Par. p. 188. l. 12. represented by Matthew Paris¶ as a *knight*, who was devoid of every spark of humanity.

** Ibid. anno 1231, p. 310, Roger de Cantilupe, 15 Hen. III.,** was sent by the king as one of his ambassadors to the sovereign Pontiff at Rome.†† He was not only a priest,†† but a person of note

†† Rot. Pat. l. 40. in the royal favour. In the 32 Hen. III. he had license§§ to impark sixty acres of heath in *Badewe*, within the boundaries of the forest of Essex; and, the 37th of the same

m. 4, n. 5. reign, had a license||| to hunt throughout several counties.

‡‡ Matt. Par. p. 333, l. 64. Baldwin de Cantilupe held¶¶ in Powrd' one hundred shillings land of the gift of king John, with the daughter of Alard Fitz-William; but by what service was at that

||| Ibid. 37 time*† unknown.

¶¶ Lib. Fosd. V. 1. p. 128. Berks. These seem to have been the principal persons of the Cantilupe name, who were *† Ibid. cotemporary, and in such respect, presumed allied to each other. Dugdale has not referred to one of them; whose notice of families in general, may be observed to be chiefly confined to immediate, and not to collateral descents. Indeed, as these branches are not recorded as of baronial distinction, any mention at all is in a certain degree irrelevant, were it not to point out, in the first instance, that the name is of more antiquity than Dugdale attaches to it; and, in the second, to show that the members of the common stock took pretty good care of themselves in the turbulent reigns of king John and Henry III.; and probably, from a low origin, by the temper of the times obtruded themselves into wealth and notoriety.^a

CAREW.—(29 Edw. I).

The descent of this family is from a younger branch of the same common ancestor as the Fitz-Geralds, in Ireland, and the house of Windsor, in this kingdom.

^a An old MS., once belonging to the College of Arms, and now in the hands of the editor, (but without the name of the compiler) states that Richard de Cantilupe, in the time of Edward I. was baron of Hanslape, in Northamptonshire, whose heir general married Sir Thomas West, ancestor to the Lord la Warre.

Walter Fitz-Other (styled de Windsor, from being governor of that castle in the time of the Conqueror), had several sons, whereof William was progenitor to the family of Windsor, earl of Plymouth; and

Gerald, (styled Fitz-Walter), was the ancestor of this house.* This Gerald was Castellan of Pembroke, and according to Camden,* had a grant made to him by Henry I. of the manor of Moulesford, in Berkshire. He married Nesta, daughter of Rees, son of Theodore the great, prince of South Wales, and by her had issue several sons; viz. William, his heir; † Maurice (called Fitz-Gerald), progenitor to the house of Leinster, in Ireland; Richard, and David, ‡ bishop of St. David, who died circ. 1176.

* Camden's
Britt. sub. tit.
Berks.

† Vincent's
Baron. MS. in
Coll. Arm.
‡ Le Neve's
Fasti Eccle.
Angl. p. 511.

William Fitz-Gerald, the eldest son, is so presumed, because he became possessed of Carew Castle, in Pembrokeshire, which, with divers manors, were acquired by his father, through his marriage with Nesta, the daughter (as before mentioned), of the prince of South Wales. This William, according to some, married Catherine, daughter of Kingsley, of Kingsley, in Cheshire; and according to others, married Marrio, daughter of Stephen, Constable of Cardiganshire, and had issue several sons; viz. 1. Otho; 2. William, progenitor to the Gerards of Lancashire,—the Gerards, earls of Macclesfield, and barons Gerard, of Bromley; 3. Raymond, who married Basilia, § sister to Richard Strongbow, earl of Pembroke, but died without legitimate issue.^b

§ Vincent's
Baron. MS. in
Coll. Arm.

Otho Fitz-Gerald, the eldest son, along with William his father, gave the village of Redbard, || a short distance from Carew Castle, to the Knights Templars. He married Margaret, daughter of Richard Fitz-Tancred, and by her had issue William, hereafter mentioned, and Stephen, who gave his estate to religious houses.

|| Ex Coll.
Camd. Ex
Registr. St.
Johan Hierosol

William, eldest son of Otho, is the first of his family who is represented to have taken the name of Carew.^c He had a confirmation ¶ of the manor of Moulesford, in the 14th of king John. He married the heiress of Degon (or Tregon), baron of Ydron,** in the county of Catherlough, in Ireland, the lands of which barony long continued in the line of his descendants, †† whereof

¶ Rot. Char.
14 Joh.
** Camd Britt.

†† Ibid.

Nicholas de Carew, 29 Edw. I., was one of those eminent persons, who in the par-

^a While this descent is given, as the one most generally accredited, it should, nevertheless, be observed, that some authorities, (Milles' Cat. of Hon. p. 738), derive this family from Arnulph de Montgomery, brother to Robert, earl of Shrewsbury; and thus, in Leland, (Leland's Itiner. Vol. III. p. 70, f. 40), it is stated, viz. "Carew married an heir general of the stock of Mohun, of Devonshire. Carew trew name be Montgomerik, and he is written thus in old evidence, *Montgomerik D'n's de Carew*." But in Camden's remains, (Cam. Rem. p. 121), this matter is explained by the statement, "that one Adam de Montgomery married the daughter and heir of Carew, of Molesford; and his son relinquishing his own, left to his posterity his Mother's name of Carew, from whence descended divers families."

^b The illegitimacy of the house of Fitz-Maurice, earl of Kerry, in Ireland, is stated by Lodge, to be on the authority of Giraldus Cambrensis.—Vide Lodge, Vol. II. p. 101.

^c Contemporary with this William was *Roger de Caru*, who, in the 5th of king John, had a grant for a market at his demesne of Eton, Bucks.—Chart. Rot. 5 Joh. m. 6.

* Dug. Lists of Summ. liament* at Lincoln, though not summoned thereto had his seal affixed to that memorable letter which was sent to the Pope, maintaining the king's supremacy over the realm of Scotland, on which occasion he was denominated *Nicholas de Carru, Dominus de Mules-*

† Esch. 5 Edw. II. n. 54. *ford*. He died about the 5 Edw. II.,† having had issue several sons: of which,

‡ Vincent's Baron. MS. in Coll. Arm. John Carew (or Carru), by Joane or Jane, his second wife, daughter of Richard‡ Talbot, of the county of Gloucester, had issue another John, which

John de Carru was both a soldier and a statesman, and served king Edward III. in the wars of France, with great honour and renown, and was by that king made Lord Deputy of Ireland;§ and in the 35th of the same reign, had summons to the great council, which was then appointed to convene at Westminster, to take into consideration the affairs of that kingdom. But, excepting on this occasion, and in the parliament at Lincoln, before mentioned, the name of Carru, or Carew, is not noticed among the ancient peerage-barons of the realm; but in later times the family was raised to the peer-

|| Vide Extinct Baronage, vol 3 age by the title of earl of Totness,|| now extinct.

CLARE.—(3 EDW. II.)

Richard de Clare, 3 Edw. II., was summoned among the earls and barons of the realm to a parliament convened to meet at York,¶ on the Sunday next after the feast of the Purification.

This Richard was, doubtless, descended from Thomas, a younger son of Richard Clare, earl of Gloucester and Hertford, who died 46 Hen. III., leaving Gilbert, his son and heir, Thomas, his second son, and other issue; which

Thomas de Clare died in the 16 Edw. I., having had issue by Amy, or Juliana, his wife, daughter of Sir Maurice Fitz-Maurice, Gilbert, who died the 1 Edw. II.,** leaving Isabella, his wife, surviving. Richard, summoned to parliament as before mentioned, who, by Joan, his wife, had a son, Thomas, who died without issue, seised of a great

†† Ibid. 14 Edw. II. n. 37. estate in Ireland, the 14 Edw. II.,†† when his aunts, Margaret, who married Bartholomew, lord Badlesmere; and Matilda, who married Robert, lord de Clifford, became his

‡‡ Originalia 15 Edw. II. Rot. 14. co-heiresses; which Matilda seems to have married also Robert de Well.‡‡

CLIVEDON.—(22 EDW. I.)

Reymund de Clivedon, 22 Edw. I., had summons, with divers other persons, barons of the realm, to attend the king wheresoever he should then be (but no place

§§ Claus. Rot. 22 Edw. I. m. 8. Dors. mentioned in the writ§§) to consult upon the affairs of the nation. But, excepting on this occasion, his name is not contained in any writs of a parliamentary nature.

The name obtains notice as one very ancient in the county of Somerset; for on the assessment of aid for marriage of the king's daughter, 12 Hen. II., William de Clivedon is certified to hold two knights' fees of Henry Lovel,* and one of William, earl of Gloucester:† the last was the manor of Clivedon.

In the 25 Edw. I., Raymund de Clivedon was summoned to attend the king at London,‡ on the next Sunday after the Octaves of St. John the Baptist, with horse and arms, ready to sail thence into foreign parts. He bore on his seal, viz. *a Lion rampant crowned*.

Edmund^a de Clivedon, who was the last of his name, lord of Clivedon, died 50 Edw. III.;§ the estates which he possessed descended to Edmund, the son of Thomas Hogshaw, by Emmelina his wife, daughter and heir of the said Edmund de Clivedon; which Edmund Hogshaw died seised of Clivedon in 14 Ric. II. without issue; whereupon|| the lands were divided between Sir Thomas Lovel, knight, the husband of Joane, one of the sisters of the said Edmund Hogshaw; and John Bluet, the husband of Margery, the other sister; in which partition the manor of Clivedon was assigned to John Bluet and Margery his wife.

Sir Thomas Lovel, at his death, left a daughter and heiress, Agnes, who married Sir Thomas Wake, knight, gentleman of the Privy Chamber to king Edward IV.

* Lib. Nig.
Scacc. Vol. I.
p. 100.
† Ibid. 165.

‡ Claus. Rot.
25 Edw. I. m.
15. Dors.

§ Esch. n. 14.

|| Collinson's
Som. Vol. III.
p. 167.

COGAN.—(24 Edw. I.)

This is the name of a very ancient and eminent family which became famous in the conquest of Ireland, in the time of Henry II., by which monarch

Miles Cogan, along with Robert Fitz-stephen^b had a grant of the kingdom of Cork. This Miles, together with Ralph, the son of Fitz-Stephen, his daughter's husband was slain¶ between Waterford and Lismore, anno 1172, the 26 Hen. II. After him,

Richard Cogan, in the time of king John, held** the cantred of Mustry Omitton, and was a person of great consideration in Ireland; but the principal acquisition of English property was by the marriage of

Sir Miles Cogan with Christian, daughter of Fulk Paganel, lord of Bahuntune or

¶ Annals of
Ireland, citing
Gir. Cambren-
sis.
** Rot. Char.
7 Joh. m. 5.
in Dors.

^a There is some reason to believe, that the name of *Raymund* and *Edmund* have been occasionally ascribed to the same person.

In the great tournament at Dunstable, the 7th of Edw. II., the name of a Sir John de Clevedon is mentioned as one of the tilers.—His Arms—" *Arg. ove trois Escallops de Goules*."

^b He was the son of Stephen, Constable of the castles of Cardigan and Pembroke, by Nesta his wife, daughter to Rees Gruffydh, prince of South Wales, who had been a concubine to king Henry I. This Robert had issue Ralph and Frederick, from whom descended the Fitz-Stephens, in Ireland.

Bampton, in the county of Devon, and aunt, and at length heir (in her descendants) of William Paganel, of Bampton, who died without issue; and of her niece, Ada de Balun, who likewise deceased issueless.

* Chart. Rot. 51 Hen. III. m. 2. John Cogan, 51 Hen. III., had a charter* for a market and two fairs at his manors of Baunton and Offculum, in Devonshire, and at Honespull, in the county of Somerset; also in the 53 Hen. III. had another charter† for divers markets and fairs at his manors in Ireland.

† Claus. Rot. in Dorso. m. 12. § Esch. 30 Edw. I. n. 29. He may be presumed the same person who, 24 Edw. I.,‡ had summons to attend the great council at Newcastle-upon-Tyne, and died the 30th§ of the same reign, being then seised of the manors of Baunton (or Bampton) Offculum, and Honespull, before mentioned.

|| Ibid. Thomas Cogan, son and heir of John, was twenty-six years old|| at his father's death, and deceased 7 Edw. II.,¶ leaving

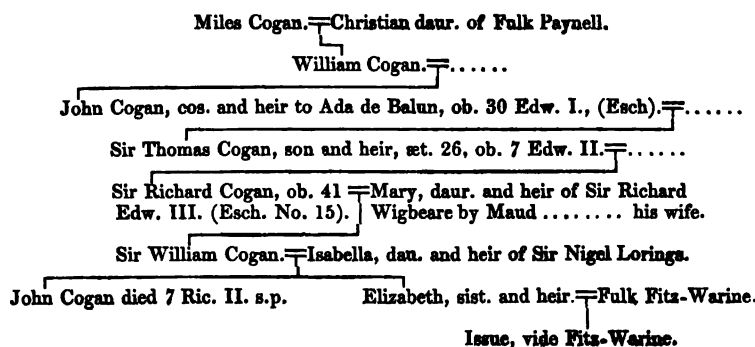
¶ Ibid. 7 Edw. II. n. 60. Richard Cogan, his son and heir, sixteen years** of age, who, 11 Edw. III.,†† had a license to castellate his mansion-house at Baunton; to empark his wood at Ustolme; and have free warren at Honespull (sive Hunespell), in the county of Somerset. He

†† Rot. Char. 11 Edw. III. m. 56. died 41 Edw. III.,‡‡ having had issue

‡‡ Esch. 41 Edw. III. n. 17. §§ Ibid. William Cogan, his son and heir, who was then about twenty-four years old. §§ This William deceased 6 Ric. II.,||| having had issue by Isabel his wife, a daughter Elizabeth, and a son John; which

John Cogan died shortly after, in the 7 Ric. II., about seven years old, leaving the said Elizabeth his sister and heir, who married, first, Fulk, lord Fitz-Warine; and second, Hugh Courtney; but the inheritance of Baunton (or Bampton), with the other estates in England and Ireland, descended to her issue¶¶ by the lord Fitz-warine.

¶¶ Dug. Bar. Vol. I. p. 446. *† Esch. 50 III. n. 13. But this John could not be the same person who, 50 Edw. III.,*† held two fees in Cogan, in Gloucestershire and the marches of Wales.



COLESHULL.—(24 Edw. I.)

Richard de Coleshull, 18 and 23 Edw. I., was one of the knights* of the shire for the county of Berks, and, in the 24th of the same reign, was one of those eminent men who had summons to the great council, ordered to assemble at Newcastle-upon-Tyne† but he seems to have died in the same year‡ being then seised of the manors of Aldermaston and Spersholt, in the county of Berks.

He probably was a professor of the civil law, as he is denominated§ *Magister Ricardus de Coleshull*. He died without issue, and his brother Elias, who was his heir, thereupon had livery|| of the inheritance; which Elias, 4 Edw. II.,¶ obtained a license for free warren in his demesne lands at Coleshull and elsewhere, in the county of Berks.

* Willis's
Notit. Parl.

† Claus. in
Dorso. m. 12.
‡ Esch. 24
Edw. I. n. 52.

§ Originalia.
24 Edw. I.
Rot. 6.

|| Ibid. Rot. 7.
¶ Rot. Ch. 4.
Edw. II. n. 34.

COMYN.—(35 Edw. III.)

John Comyn, 35 Edw. III., was one of those eminent persons who had summons, along with several other great men, to meet a council then convened, to take into consideration the affairs of Ireland; but as this summons was no creation of an English peerage honour, (although the writ is printed in Dugdale's Lists of Summons to Parliament,) an account of him is here the less necessary, inasmuch as the name of John Comyn is not mentioned again in any summons of a parliamentary nature.

CORNEWAILLE OR CORNWALL.—(35 Edw. III.)

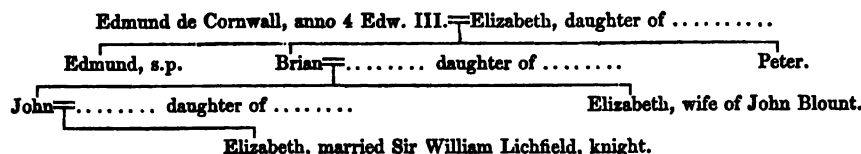
John de Cornewaille, or de Cornwall, 35 Edw. III., is included among other great men, who were summoned to attend a council to be holden on the then critical state of Irish affairs; his name is not, however, repeated in any subsequent writ, whereby he may be considered to have obtained the rank of an English parliamentary baron.

The name of Cornwall, or at least a great family of that name, is said to have sprung from Richard, earl of Cornwall, brother to king Henry III., which earl is represented to have had two natural sons, Richard and Walter; the former of which, Richard de Cornwall, was ancestor to the Cornwalls titular barons of Burford, in Oxfordshire.

Of this name was Geffery de Cornwall, who married Margaret, one of the two daughters and co-heiresses of Hugh Mortimer, baron of Richards Castle, mentioned in the Dormant and Extinct Baronage of England;** and also Sir John Cornwall, baron of Fanhope, noticed likewise in the same work.††

** Vol. I.

†† Vol. III.



CREKE.

This barony is one of the many which are unnoticed by Sir William Dugdale, although he has mentioned divers others of far less magnitude and importance. It is one which deserves the more attention, inasmuch as, upon the failure of the male line of the Creke family, Fitz-Osbert, who married the heir female of Bartholomew (the last Creke), had summons to parliament among the barons of the realm; as had the family of Thorpe afterwards, who were co-heirs eventually to Fitz-Osbert; under both of which heads the descent of this barony will be more particularly noticed.

CROPHULL.—(35 Edw. III.)

This family is of considerable antiquity, and is mentioned with honour in the time of Edward II.; when

Ralph de Crophull had committed to him the counties of Nottingham and Derby, to farm* the issues thereof, during the king's pleasure. Also, in the 9th of the same reign, he had the custody of the counties of Salop and Stafford, with the castle of Stafford committed† to his care; and, in 12 Edw. II., was appointed‡ escheator on this side Trent. In 1 Edw. III. he was possessed, along with Maud his wife,§ of Bonyngton and Sutton, in the county of Nottingham, with view of frank-pledge and other|| liberties, in the said townships. After him, his son,

John de Crophull, seems to have made a considerable figure. He married Margery,¶ or Margaret, widow of William Blount, and one of the daughters and co-heirs of Theobald de Verdon, an eminent baron, who held great estates as well in England as in Ireland; by reason of which alliance he came to hold lands in both kingdoms, and by virtue thereof had summons** to attend the great council, holden at Westminster in 35 Edw. III., to take into consideration the state of affairs in Ireland; but he does not appear to have ever had summons, as a parliamentary baron, to the house of peers.

In 30 Edw. III.,†† along with Margery his wife, he had a license to enfeof Ralph de Crophull, parson of the church of Cottingham, with certain lands and advowsons in the counties of Salop, Leicester, and Hereford. He had issue

* Original. 6 Edw. II. Rot. 12

† Ibid. 9 Edw. II. Rot. 1.

‡ Ibid. 12 Edw. II. Rot. 5.

§ Esch. 1 Edw. III. n. 44.

Sec. Nos. || Rot. Cha. 1

¶ Edw. III. n. 56.

¶ Dug. Bar. Vol. I. p. 474.

** Dug. Lists of Summ.

†† Esch. 30 Edw. III. n. 12. Sec. Nos

Thomas de Crophull, whom, 45 Edw. III.,* he enfeoffed in the manors of Neubold-Verdon, Cotesbeche, and Hemyngton, in the county of Leicester, which Thomas married Sibilla, daughter of John de la Bere, knight,† and had issue an only daughter.‡

Agnes de Crophull, who married Sir Walter Devereux, knight, ancestor of Robert earl of Essex; and, after his death, re-married Sir John Parr, of Kyrkeby, in Kendal.§

* Ibid. 45 Edw. III. n. 58.

† Dug. Mo. Vol. I. p. 725.

‡ Vide Burton's Leic. p. 180, et Mon. ut supra.

§ Dug. Mon. ut supra.

DANE.—(1 Edw. II.)

The name of John le Dane has place in the Index to Dugdale's Lists of Summons to Parliament; but on reference to the writ of the year referred to, viz. the 1 Edw. II., no such name is to be found mentioned therein; indeed, no such name as *John le Dane* is noticed anywhere in the charter or patent rolls of that period, but the name of

John le Dene occurs about the 4 Edw. II., when he was appointed|| chamberlain of the Exchequer; and the name of

|| Rot. Pat. 4 Edw. II. m. 6. par. 2.

Stephen de Dane is noticed in 6 Edw. II., at which time he was fined¶ twenty marks to the king for his transgression in acquiring (without license) the manor of Fauconest-hurst, from Robert de Fauconer; but neither the name of *John le Dene*, or *Stephen de Dane*, have any notice in the rolls of the summonses to parliament.

¶ Gross Fines, 6 Edw. II. Rot. 16, Kanc.

In the Magna Britannia* for the county of Kent, the name of *Dane* is mentioned as lord of the manor of St. Peter's in the Isle of Thanet.

DAWNEY.—(1 Edw. III.)

Of this name, anciently written D'Auney, or De Alneto, there appear to have been several persons, who, if not related to each other, were cotemporaries, and held considerable lands in the counties of Devon, Somerset, and elsewhere; of these,

Richard de Alneto, 12 Hen. II., was certified** by the abbot of Tavistock to hold of him four knights' fees. At the same period,

** Hearn's Lib. Nig. Vol. I. p. 118.

William de Alneto was returned in the certificate†† of William de Traci, of the county of Devon, as holding of him one knight's fee and a half. Also at the same time,

†† Ibid. p. 122

Alexander de Alno, or Alneto, of the county of Somerset, certified‡‡ that his ancestors held by the service of one knight's fee, de veteri feoffamento, and that his father

‡‡ Ibid. p. 96.

* Vide Philpot's Kent, p. 88.—*Dane* Court was the Signorie in elder times of Sir Alan de Dane, who took his surname from it, and had his habitation there, temp. Edw. III. It continued a mansion for his descendants divers years after; but in the reign of Henry IV., the Foggs were lords of the Fee.

The late eminent judge Dane, in the United States of North America, claimed descent from this family; and had in his possession a very ancient pedigree of it.

gave to Hugh de Alno, his brother, a part of the said fee; which donation was made to him and his heirs, in the time of king William.

* Dug. Bar.
Vol. I. p. 252.

Henry de Alneto is also noticed* as having married Idonea, one of the sisters and co-heirs to Stephen de Beauchamp, of Essex,—a Baron mentioned by Dugdale.

From one of these descended (as it is probable) John de Alneto, D'Auney, or D'Anney; which

† Lodge's Irish
Peer. Vol. III.
p. 103.

‡ Collins's
Baronetage.
Vol. II. p. 165

John Dawney, or D'Anney, in the time of Edward I., held the manor of Shunock,† in the county of Cornwall;* and also divers other lands in several counties. He married Jane,‡ one of the daughters of Peter le Cave, of Cave in Yorkshire, by ——— his wife, daughter of Sir Thomas Bromflete, and had issue,

Edward Dawney, whose son and heir, Nicholas Dawney, was a person of great note and of considerable estate in the counties of Cornwall, Devon, and Somerset, where he obtained a royal charter§ for free-warren in all his demesne lands; and also a license|| for a market and fair at his manor of Shunock.

§ Rot. Char. 6
Edw. II. n. 63.
|| Ibid. 8 Edw.
VI. n. 56.

In the 1 Edw. III. he was one of those great men who had summons to be at New-castle-upon-Tyne, with horse and arms, to march against Robert de Brus: but this summons does not purport to have been a call to parliament *ad tractandum*. After this period he is represented¶ to have peregrinated to the Holy Land, where he greatly distinguished himself against the infidels; and on his return brought with him a very rich and curious medal, which for a long time was, if it is not at this day still, remaining in the possession of the family.

¶ Lodge's Irish
Peer. Vol. III.
p. 103.

** Esch. 6
Edw. III. n. 79.
Sec. Nos.

This Nicholas deceased about the 6 Edw. III.,** having had issue by Elizabeth, or Joan, his wife, daughter of ———, several sons, whereof

†† Rot. Cha.
10 Edw. III.
n. 53.

‡‡ Esch. 20
Edw. III. n.
33.

John Dawney seems to have been the eldest son, as he inherited the estates of his father in the counties of Cornwall, Devon, and Somerset, where he had a confirmation†† of the privilege of free-warren, which his said father had before obtained. He died about the 20 Edw. III.,‡‡ leaving issue by Sibyl his wife, an only daughter and heir, Emmeline; which

§§ Ibid. 45
Edw. III. n.
15.
||| Ibid.

Emmeline Dawney, married Sir Edward Courtney, knight, son and heir apparent of Hugh, the second earl of Devon, and died about the 45 Edw. III.,§§ being then seised of the greater part of her father's inheritance||| in Cornwall, Devon, and Somersetshire, as before mentioned. By her husband, Sir Edward Courtney (who died in the lifetime of his father Hugh, earl of Devon), she had issue Edward, the third earl of Devon, and Hugh Courtney, of Haccombe and Boconnock; whose descendants, under the account of the Courtneys, earls of Devon, may be seen more at large.

^b According to the *Magna Britannia* (p. 1317, Cornwall), the church of Shunock was built by this family, and two knights of the name lie buried in it.

From Thomas Dawney,* brother to John, the father of Emmeline, the family of the present viscount Downe, of the kingdom of Ireland, is considered to be derived.

* Lodge's
Irish Peer.

DRAYCOTE.†—(24 Edw. I.)

† Vide Harl.
MSS. No. 506
and No. 1052,
(149) fol. 91.

Of this name, Richard de Draycote, by the description of *Dominus de Wyleton*, was among the great men summoned to attend the king at Newcastle-upon-Tyne, with horse and arms, on the 1st of March, the 24 Edw. I.; and, in the following year he had summons with the earls and barons of the realm to attend a parliament, to be holden at Salisbury, on the feast day of St. Matthew the Apostle.‡

‡ Rot. Clau.
25 Edw. I. m.
25, Dors.

But, except on these occasions, the name of Draycote has no mention in the writs of summons to parliament.

Besides him there was Robert de Draycote, who, the 21 Edw. I., was seised of the manors of Radlynch and Draicote, in Somersetshire.§

§ Esch. 21 Edw.
I. n. 23.

EBROICIS.—(27 Edw. I.)

William de Ebroicis, 27 Edw. I., had summons to a parliament to meet in London; but his name does not appear in any subsequent writs of summons. He was probably an ancestor of the present Devereux family.

ERLES.—(35 Edw. III.)

William de Erleia, Erleigh, or Erle, 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter, certified|| that he held one knight's fee, de veteri feoffamento, by the service of being the king's chamberlain; but that he held nothing *de novo feoffamento*, a circumstance which clearly points out the antiquity of this family. The said William was the founder of a priory at Buckland, in Somersetshire, to which he gave the church of Beckington, in that county.

|| Hearn's
Lib. Nig. Scacc'
Vol. I. p. 101.

John de Erleigh, his son and heir, held¶ the manor of North-Pederton, in the county of Somerset, of the king in fee-farm, by the rent of one hundred shillings, to be paid yearly at the Exchequer. He likewise held** certain lands at Corsham, in Hampshire (to which he was heir), by serjeanty.

¶ Lib. Feod.
Vol. I. p. 707.

** Ibid.
Vol. II. p. 133.

Henry de Erleigh, (Erley, or Erle), his grandson, and at length heir,†† held one knight's fee of the king in capite, in Erleigh, (or Erley), near Reading, in Berkshire; and

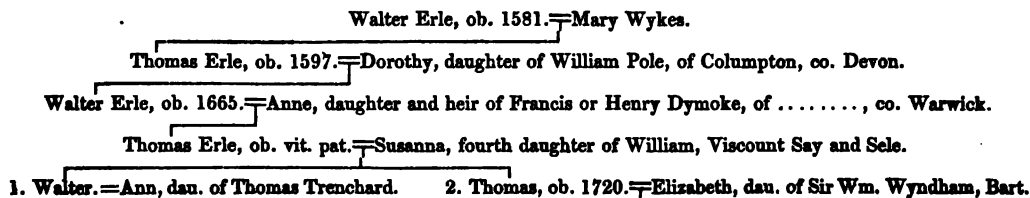
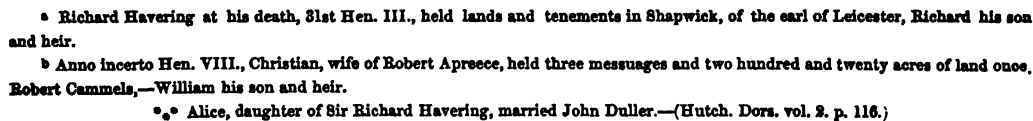
†† Collinson's
Somers. Vol.
II. p. 199.

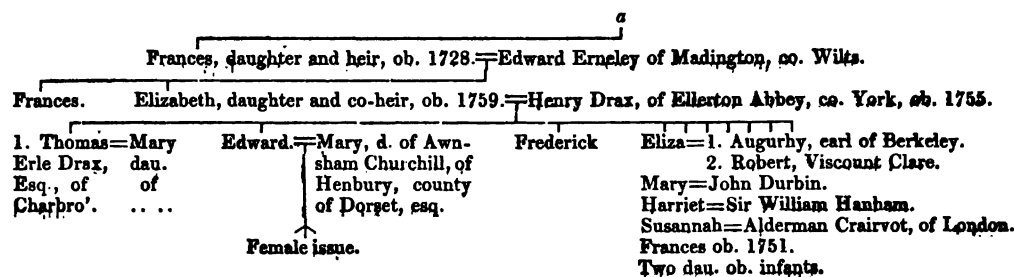
- * Collinson's Somers. Vol. I. p. 751.
 † Ibid.
 ‡ Ibid.
- also * the manor of Somerton Parva, (or Somerton Erleigh) in Somersetshire, of the king in capite, by serjeanty; but the service was at that time unknown.† At this period the record‡ styles him *D'n's. Henri de Erleg*. He was one of those eminent men who had summons to the great council or parliament, convened the 45 Hen. III. to meet at London.§ After, when he died, 4 Edw. I., being then seised|| of the manor of Erleigh, near Reading, as before mentioned, and leaving his heir in minority.¶
- § Claus. 45 Hen. III. m. 3, Dors.
 || Esch. 4 Edw. I. n. 72.
 ¶ Original. 4 Edw. I. Rot. 5 and 19.
 ** Ibid. 17 Edw. II. n. 57 and 62.
 †† Ibid.
 ‡‡ Rot. Cha. 12 Edw. II. n. 54.
 §§ Original. 19 Edw. II. Rot. 18.
 ||| Esch. 11 Edw. III. n. 11.
 ¶¶ Ibid. 34 Edw. III. n. 77 Sec. Numb.
 *† Collinson's Somerset, Vol. II. p. 199.
 *‡ Dugd. Lists. Sum.
 *§ Ibid.
 *|| Ibid.
- John, grandson of Henry de Erle, died 17 Edw. II., ** when it was found that he was seised of the manor of Erle aforesaid, together with the manors of North-Pederton, Somerton Parva, and several other manors†† in the county of Somerset. This John had a grant‡‡ of a market and fair at his manors of North, alias Nether Pederton and Bekington, in the 12 Edw. II.
- John de Erle, next *lord of Erle*, 19 Edw. II., §§ had the charge of the counties of Somerset and Dorset, and of the castle of Shireborne committed to his care. He died||| about 11 Edw. III., possessed of Erle, Somerton Parva, North Pederton, &c., leaving Elizabeth, his wife, surviving, who had her dower in the manor of Somerton, Ballcare and Pury; and departed this life the 34 Edw. III.¶¶ He had two sons, John and Richard; and three daughters, viz. Catherine, prioress of Buckland; Elizabeth, wife of Sir John Stafford; and Alice, wife of Sir Nicholas Poyntz, knight.*†
- John, son of John de Erle, 35 Edw. III., was one of those eminent persons (as it would seem) who had summons*‡ to attend a great council, to be holden at Westminster, in order to deliberate upon the disturbed state of Ireland, as affecting him and others holding lands in that kingdom, in the capacity of heirs to Caumville.*§ But this writ, by which the said John de Erle was so summoned, was addressed*|| to the Sheriff of Staffordshire, whereby it is evident that it was not a call to parliament in the nature of a creation of a parliamentary peerage.
- The 36 Edw. III. he had a license*¶ to enfeof Robert de Erle, his son, of the fishery at Erle, in the water of Lodyn; and the 44th of the same reign, had the like license*** to enfeof John Cole of Bridgewater, and Margery his wife, in the manors of North Pederton, Somerton Parva, Dunston, and Bekynton, in the county of Somerset, with remainder over to himself and his heirs.
- This John is probably the same who**† married Margaret, sister of Sir Guy de Bryan, knight of the garter, and had issue a son, John de Erle (or Erleigh), who married**‡ Isabel, daughter of John Paveley, and had a daughter and heir, Margaret, who became**§ the wife of John St. Maur, second son of Sir Richard St. Maur, knight; after whose death she married, 2ndly, Sir Walter Sondes, knight; and 3rdly, Sir William Cheney, knight; and died 21 Hen. VI.**|| The said John St. Maur, according to Collinson, left a son John, his heir, who was father of Sir Thomas St. Maur, whose son John had issue Sir William, and two daughters, whereof Margaret married William Bampfylde, of Polti-
- **† MS. voc. Chaos In Coll. Arm.
 **‡ Ibid.
 **§ Ibid.
- **|| Collinson. Somerset, Vol. II. p. 199.

* Collinson's
Somerset, Vol.
II. p. 199.

† ulleiF's
Wrthreoz,s9.

‡ Ibid. 267.





FITZ-BERNARD, OR BARNARD.—(6 EDW. II.)

The family of Fitz-Bernard, or Barnard, though entirely unnoticed by Dugdale, was nevertheless of considerable note and standing in the county of Kent, having its capital

* Philpot. p. 19. mansion at Kingsdown near Ferningham, which manor it held by grant from king Hen. I.*

Thomas Fitz-Bernard in the time of king John, had a grant to him and his heirs, of the marshalship of the king's birds;†* and Robert Fitz-Bernard was sheriff, and exercised the office from the 21st of the reign of Hen. III. to the 30th.

Thomas, son of Thomas Fitz-Bernard married Alianore daughter and co-heir of Stephen de Turnham, according to a manuscript in the College of Arms.†

Ralph Fitz-Bernard, in the 24 Edw. I. was one of the eminent men summoned with the earls, barons, and others, to attend at Newcastle-upon-Tyne, equis et armis, for an expedition into Scotland. He died about the 34th Edw. I. § leaving Agatha his wife surviving, who had dower in Thundersley, Ilmer, and Kingsdown; || his son

Thomas Fitz-Bernard was the first who had summons to parliament, to which he was called by writ from the 6th to the 15 Edw. II. inclusive. He died before the 8th Edw. III. ¶ at which time,** on the death of Bona, his widow, John, his son and heir, had livery of the lands she held in dower.

John Fitz-Bernard, son and heir of Thomas, does not appear to have been ever summoned to parliament. He died†† the 36 Edw. III. without issue, when it is said by Philpot,‡‡ that the four daughters of Bartholomew Badlesmare became his heirs, in right of their grandmother Margaret who was his sister and had married Gunceline, father of the said Bartholomew. But this statement is contradicted in a recently published work, entitled, "Collectanea Topographica et Genealogica," which assumes much heraldic authority, (though Philpot was an herald of no mean credit,) and asserts, that on the death of John Fitz-Bernard, s.p.,^b Joan, daughter of Ralph, and sister to Thomas Fitz-Bernard,

* Que? this office acquired by marriage, with Alice, daughter of William de Jarpenwell, (who married Albritha de Bumenel), Marshall of the King's Birds, temp. King John.

^b Vide in claus. 34 Edw. I., m. 2. Tonge manor, pro Tho' fil' Joh'is fil' Bernard.

was found aunt and heir to her nephew John. It seems that Ralph had a first wife Joan, one of the four daughters and co-heirs of Robert Aguylon, which in some respects leaves it doubtful, whether Thomas was his issue by the said Joan, or Agatha who survived him; and whether this Joan the asserted aunt, was whole, or half-blood sister to Thomas.

FITZ-HENRY.—(22 Edw. I.)

Hugh Fitz-Henry had summons to attend a parliament the 22 Edw. I., but where it was to meet is not mentioned in the writ which bears date the 8th of June in the year aforesaid. In the 29 of Edw. I., he was one of those who though not summoned to the parliament at Lincoln, yet affixed his seal to the memorable letter then written to the Pope, on which occasion he is designated "*Hugo filius Henrici Dominus de Ravensworth*," but after this time no further mention is made of him. He was probably the father of the first lord Fitz-Hugh, whose posterity long continued in the rank of barons of the realm: of this, however, Dugdale does not take any notice.

AUCHER FITZ-HENRY.—(2 Edw. II.)

* The parentage of this person is unnoticed, as well by Dugdale, as all other Baronagians. He would rather seem to be a brother of the before named Hugh Fitz-Henry, but for so being, there is not any authority.

This Aucher Fitz-Henry, married Joan, one of the daughters and co-heirs of John de Bella Aqua (or Bellew), by Laderina his wife, youngest sister, and co-heir to Peter, the last Baron Brus of Skelton, and thereby acquired a certain portion of that ancient baronial estate, from which may be presumed the cause of his being summoned to parliament among the barons of the realm. His name is recorded in the respective writs of summons from the 2nd to the 19th of Edw. II. both inclusive.* He died about the 13 of Edw. III. Henry his son and heir aged 40.

* Dugdale's
Lists.

This Henry Fitz-Aucher never had the like summons. In the 13 Edw. III. he settled lands in Bobbing, and Stanford, in Essex, on Beatrix his wife, their heirs, and assigns for ever; when he died does not appear: he had a son,

Aucher Fitz-Henry, but of him, or his descendants, if he had any, no account is known; but a family of the name of Clovile, of Haningfield, in Essex, is said to derive descent from Joan, a daughter of Aucher Fitz-Henry, and sister to Henry Fitz-Aucher.

* A Richard Fitz-Aucher, temp. Hen. III, held lands in Eppings and Waltham, by serjeanty of waiting before the king when he travelled.—(Lib. Rub. Scacc., 13 Joh. vol. 137).

JOHN FITZ-JOHN.—(49 Hen. III).

John Fitz-John descended from John, son of Geoffrey Fitz-Piers, earl of Essex, by Aveline his second wife,* was one of those barons who adhered to Simon de Montfort, earl of Leicester, in arms against king Henry the III.; and had summons to the parliament called by them in the king's name, the 49 Hen. III. In the fatal battle of Evesham, he was almost the only person of note who escaped death. Dying s.p., the 4th Edw. I.,* his brother Richard was his heir.

* Esch. No. 47.

RICHARD FITZ-JOHN.—(22 Edw. I).

This Richard Fitz-John, upon the death of his brother, had livery the same year of all his lands lying in the counties of Norfolk, Bucks., Devon, Surrey, Wilts, Southampton, Essex, and Northampton. In the 23 Edw. I., he was summoned to parliament by writ, dated 30th September; but which was afterwards prorogued: shortly after this, he † *Ibid* No. 50. deceased (without having been again summoned) 25 Edw. I.,† leaving Emma his wife surviving; and Maud countess of Warwick, his eldest sister: Robert Clifford, son of Isabel de Vipount, and Idonea, daughter of the same Isabel de Vipount, his second sister. Richard de Burgh earl of Ulster, son of Aveline, his third sister; and Joane the wife of Theobald le Butiler, the fourth sister, his heirs. Maud, countess of Warwick, was first married to Thomas de Furnival, who died s.p.

Geoffrey Fitz-Piers, Earl of Essex, ob. 14 John.—Aveline..... (second wife).						
John Fitz-Geoffrey, Chief Justice of Ireland, living, 1245, 29 Hen. III.—Isabella, sister to John Bigot.						
John Fitz-John Fitz-Geoffrey, ob. circ. 42 Hen. III., a.o. 1257.	Margery, d. of Philip Bassett Justiciar of England, 1261.	Richard Fitz-John.	William Fitz-John of Masworth—Esch. 33 Edw. I., No. 251.	...		
John Fitz-John sum. to Parl. 49 Hen. III. ob. 4 Edw. I. 1275. s. p.	Richard bro. & heir, summ. to Parl. 23 Edw. I. ob. 25, 1296. s. p.	1 Maud, 2 Isabel, 3 Aveline, 4 Joane,	William Fitz-John of Masworth.—Esch. 9 Edw. II. No. 48.	Walter Fitz-John, of Masworth.—Esch. 8 Edw. III No. 28, Sec. Nos.	John Fitz-John of Masworth—Esch. 18 Edw. III. No. 62. Sec. Nos.	Henry Fitz-John, of Masworth.—Esch. 23 Edw. III. No. 31, pars. 2d

* King John, a.o. 7 regni, gave to Geoffrey Fitz-Piers the whole honor of Berkhamstead, with the castle, to be holden of the king and his heirs by the said Geoffrey, and the issue from him by Aveline his wife; and in default, to be holden by the other heirs of the said Geoffrey, rendering a yearly rent of £100 for the said honor.—(Mag. Rot. 7 Joh., Rot. 16, b. tit. Essex, Herts, &c.)

MATTHEW FITZ-JOHN.—(25 Edw. I).

This Matthew was not of the same family as the Fitz-Johns before mentioned. He was the son of John Fitz-Matthew, brother and heir to Peter, the son of Matthew Fitz-Herbert

The 25 Edw. I. he had summons to parliament; but never after. His name, however, is nevertheless mentioned as one of those eminent persons, who, although not summoned to the parliament at Lincoln, the 29 Edw. I., yet had his seal affixed to the memorable letter, written to the pope; on which occasion he is thus denominated, viz. "*Mathæus filius Johannis dominus de Stokenhame*." He died about the 3 Edw. II.,* s.p.,^a—
 Alianor his widow surviving.†

* Esch. No. 29.
 † Ibid No. 49.

FITZ-MARMADUKE.—(29 Edw. I.)

In 29 Edw. I. John Fitz-Marmaduke was one of those eminent persons who,‡ in the parliament at Lincoln, subscribed and affixed their seals, to that memorable letter which was then addressed to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he was thus denominated;§ viz. "*Johannes filius Marmaduci de Hordene*."

‡ Dag. Lists of Summ.

§ Ibid.

He was probably the son of Marmaduke Fitz-Geoffery, who, 45 Hen. III.,|| had a license to embattle his mansion-house of Hordene, in the bishopric of Durham.

|| Rot. Pat. 45 Hen. III. m. 20

But Collins and Edmondson, in their respective accounts of the Lumley family, state the said John Fitz-Marmaduke to have been a son of Marmaduke Lumley, second son of William, only son and heir of William Lumley, by Judith his wife, daughter of Hesildine, of Hesildine, in the county of Durham. The record, however, before cited,¶ seems to rebut their assertion.

¶ Ibid.

Moreover, another authority** recites, that the said John Fitz-Marmaduke married Isabel, daughter and heir of Robert Brewys, lord of Stranton, in Northumberland, and had issue a son, Richard Fitz-Marmaduke; which

** MS. vocat Quid Non. No. 6. p. 91. In Coll. Arm.

Richard Fitz-Marmaduke died issueless, and his sister Mary became his heir, who married ——— Lumley, grandfather to Marmaduke Lumley, whose issue 15 Ric. II., possessed the manor of Stranton, before mentioned.

^a Vide Esch. 19 Edw. I., no. 85,—Robert Fitz-John, Ebor.; also Nicholas Fitz-John, of Myton, Ebor., (ibid no. 96). Roger Fitz-John Boulewas, Salop and Brumfeld, Heref.—(Esch. 30 Edw. I., no. 57).

FITZ-OSBERT.—(22 Edw. I.)

This name is of very ancient standing; for in 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter,

* Hearne's Lib. Nig. Scacc. vol. 1. p. 289. Rouel Fitz-Osbert is mentioned in the certificate* of Hubert de Rie, of the county of Norfolk, as holding of him five knights' fees. At the same period also

† Ibid. p. 228. Richard Fitz-Osbert was certified by Geoffrey, earl of Essex,† to hold of him four knight's fees. And at the same time, likewise,

‡ Ibid. p. 103. Hugh Fitz-Osbert was noticed in the certificate‡ of the bishop of Salisbury, as holding of him certain lands, by the service of half a knight's fee.

These persons were all cotemporary, but how, or whether at all related to each other, is not certain. Of the same name,

§ Rot. Vasc. 22 Edw. I. m. 8 in Dorso. || Dug. Lists of Summ. ¶ Esch. 31 Edw. I. n. 176. Roger Fitz-Osbert, 22 Edw. I., was one of those eminent persons who had summons§ to attend a parliament then to be assembled and holden; for the writ (which is dated at Westminster, the 8th of June), purports to be *habere colloquium et tractatum*;|| but no place is appointed for the meeting of the said parliament.

This Roger was the son of Peter Fitz-Osbert, and Catherine his wife,¶ which Peter was the son of Osbert, and Sarra his wife. The said Roger Fitz-Osbert married Sarah sister and heir to John de Creke, lord of Creke, in the county of Norfolk, and a deceased about the 34 Edw. I.,** being then seised of the manor of Somerleton (his chief seat), with divers others in the counties of Suffolk and Norfolk. Having no surviving issue, (for Margaret his daughter died before him), his sister Isabella de Walpole, and John Negoun, (or Noiun), son of Alice, his other sister, were found to be his co-heirs. The said

Isabella Fitz-Osbert was twice married; her first husband was Sir Henry de Walpole,†† (ancestor of the Walpoles, earls of Orford, &c.) whom surviving, she married secondly, Sir Walter Jernegan‡‡ (or Jerningham), progenitor to the baronet's family of that surname; who thereby, as Camden relates,§§ came to the inheritance of Somerleton, and other lands of the Fitz-Osbert estate, which they long continued |||| to possess.

†† History of Norfolk, vol. 5. p. 40. Gallow.
‡‡ Ex Stem. de Famil. Jernegan.
§§ Camd. Brit. in Com. Suff.
|| Rot. Pat. 8 Hen. IV. par. 2. m. 16.

JOHN FITZ-REGINALD.—(22 Edw. I.)

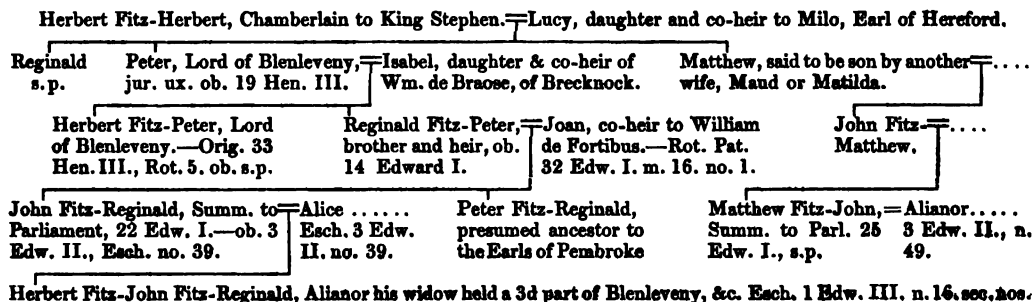
John Fitz-Reginald, son of Reginald Fitz-Peter, son of Herbert Fitz-Herbert, chamberlain to king Stephen, by Lucy his wife, and one of the daughters and co-heirs of Milo, earl of Hereford, was first summoned to parliament the 22 Edw. I., and afterwards,

* This Sarah must have been his first wife; as Catherine was his widow, and, among other lands, held the manor of Carleton, co. Norf. in dower.—Hist. of Norf. v. ii. p. 46; Depwade.

in the 25, 28, 30, 32, 33, 34, and 35 of the same reign;^a and in the 1st of Edward II.* He was one of those who in the parliament at Lincoln, the 29 Edw. I., subscribed and affixed his seal to that memorable letter to the pope, asserting the supremacy of England, over the realm of Scotland;† on which occasion he is designated "*Johannes, filius Reginaldi dominus Blenleveny.*"

In the 34 Edw. I., he had license to enfeoff Herbert Fitz-John Fitz-Reginald of his lands at Wighton and elsewhere, in the county of York;‡ and also to enfeoff the same with lands in Wiltshire;^b and at Blenleveny, in Wales.§ The said John made afterwards a grant to the king, in fee of his Castle, Town, and manor of Blenleveny, Blakedinas, Talgart, and Caldecote in Wales.|| He died the 3 of Edw. II., leaving Alice his widow, and Herbert Fitz-John his son and heir;¶^d but neither he nor any other of his descendants had the like summons to parliament.

Atkyns, in his Gloucester, (p. 239), says that Reginald Fitz-Peter died seised of Harefield, the 14 Edw. I., which then went to John Fitz-Reginald, his son; afterwards, Matthew Fitz-Herbert, a descendant from him, levied a fine of Harefield to himself in tail,—remainder to Reginald his brother in tail,—remainder to Edward St. John in tail, (14 Edw. III). Matthew Fitz-Herbert died seised, 30 Edw. III.; after when Edward St. John, of Scopham, and Joan his wife were seised the 6 Ric. II.



* Henry Bromflete cousin and heir to Reginald Fitz-Peter: market and fair and free warren at Wighton.—Rot. Chart. 27 and 3 Hen. VI., no. 14.

Vide Rot. Parl. 14 Ric. II., m. 10

ROGER FITZ-PETER.—(45 Hen. III).

The name of a Roger Fitz-Petri appears in the roll of summons, of the 45 Hen. III.,

^a He may be presumed to have been present in this parliament, as the names of those who did not attend are mentioned, and why excused; which intimates that all the others summoned obeyed their writ.

^b Herbert Fitz-John, Wighton, Ebor., Staunton, Wilts.—(Esch. 15 Edw. II., no. 30.)

^c Vide Rot. Parl. v. ii. p. 409, no. 174. Alianor, widow of Herbert Fitz-John, son and heir of John Fitz-Reginald.

* Claus. Rot.
m. 3. Dorso.

to a parliament then convened to meet in London,* T. R. apud turrem Lond. xviii. die Octob.—which summons is as much worthy of notice as that of the 49 Hen. III.^a

Who this Roger was, does not appear; but he probably was a son of Peter, the son of Herbert Fitz-Herbert.

FITZ-ROBERT.

John Fitz-Robert, although a baron whose name does not appear in any writs of summons to parliament, which is upon record; or who is either mentioned by Dugdale, or any other genealogical author; yet is of too great a character to be passed over totally unnoticed. He was one of those high spirited twenty-five barons appointed to enforce the observance of Magna Charta; but of what family he was a member, it is much to be regretted that there is no authority for asserting: conjecture has supposed him one of the noble house of Clare.

ROBERT FITZ-ROGER.—(23 EDW. I.)

† Claus. Rot.
In Dorso. m. 4.

‡ Dug. Lists
of Sum.

§ Ibid.

Robert Fitz-Roger, 23 Edw. I., had summons among the earls and barons of the realm to a parliament, convened to meet at Westminster, the Sunday next after the feast-day of St. Martin, 23 Edw. I.;† and the like summons he had in the several subsequent parliaments of the 24th, 25th, 27th, 28th, 30th, 32nd, 33rd, 34th, and 35th of the same reign; and the three first years of Edw. II.‡ But after that period, no further mention is made of him.

|| Vol. I. p. 266

In 29 Edw. I. he was one of the barons § summoned to the parliament at Lincoln, but did not affix his seal to the letter then agreed to be sent to the Pope, touching the king's supremacy over the realm of Scotland; on which occasion he is written, "Robtus fit Roḡ Dñs de Clavyng." He does not appear to have used the surname of Claving, which, nevertheless, his son John assumed; who, in his lifetime, by the designation of John de Claveryng, had summons to several parliaments in the same years along with him, from 28 Edw. I., as may be more fully seen|| in the Dormant and Extinct Baronage of England, and in the first volume of this work.

ANDR' FITZ-ROGER.—(27 EDW. I.)

In the parliament summoned to meet at Westminster, in five days of Easter, 27

^a It was considered by Mr. Cruise, Mr. Hargrave, Sir Samuel Romilly, and Sir Samuel Shepherd to be a regular writ of summons; though the parliament never met.

Edw. I.,* the name of Andř Fitz-Roger is included among the earls and barons, then required to give their attendance on the special affairs of the nation. But who this person was, is not set forth, unless it may be presumed he was a brother of Robert Fitz-Roger, before-mentioned; but in the pedigree of that family, no such name is to be found.

* Clau. Rot.
27 Edw. I. In
Dorso. m. 16.

JOHN FITZ-ROGER.—(27 EDW. I.)

This name also appears in the list of the earls and barons summoned to attend a parliament, convened to meet at London, on the first Sunday in forty days after the teste of the writ, the 6th of February, in the 27 Edw. I.;† but who he was, is equally uncertain with the Andř Fitz-Roger before named.

† Clau. Rot.
27 Edw. I. In
Dorso. m. 18.

FITZ-WALTER DE DAVENTRE.—(25 EDW. I.)

This family is a younger branch of the house of Fitz-Walter, of Wodeham-Walters, and originated in the person of

Simon, second son to Robert, the founder of that family; which Robert ‡ gave to the said Simon the lordship of Daventre, in the county of Northampton.

‡ Dug. Bar.
V. I. p. 218.

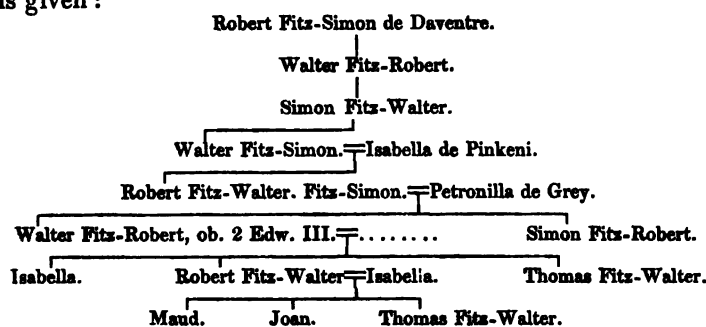
This Simon had issue Robert de Daventry, whose son,

Walter Fitz-Robert de Daventre, in the time of Henry II., held eight hides of land in Daventre, of the fee of Huntingdon; from whom descended Robert Fitz-Walter Fitz-Simon; which

Robert Fitz-Walter had summons to a parliament, convened to meet at Salisbury, on the feast-day of St. Matthew the Apostle, 25 Edw. I.: § but his name is not enrolled afterwards in any other writ of a similar nature.*

§ Clau. Rot.
In Dorso. m.
25.

In Bridge's Northamptonshire, under the article of Daventry, the following descent of his family is given :



* In the Lists of Summons of those who the 24 Edw. I. were called among the Earls and Barons to attend the king at Newcastle-upon-Tyne, *equis et armis*, is the name of "*Galf. fil. Roberti Dominus de Daventre.*"

FOXLE.—(8 Edw. II.)

This name is not of baronial rank, by reason of any territorial holding, or antiquity; but owes the dignity it attained to, from the study of the law.

* Rot Pat. 2
Edw. II. n. 15.
† Dug. Lists
of Sum.

‡ Chron. Jurid.
§ Dug. Lists.
of Sum. Rot.
in Dor. m. 35.

|| Ibid.

¶ Esch. 18
Edw. II. n. 38.
** Ibid.

†† Cha. Rot. 10
Edw. II. n. 26

John de Foxle,* 2 Edw. II., was constituted a baron of the Exchequer;* and, in that capacity, had summons to parliament† with the rest of the judges and king's counsel;‡ but Dugdale says that in the 3 of Edw. II., he was appointed a baron of the Exchequer, in the room of Roger Hegham, deceased 28 February, 1310.‡ But, 8 Edw. II., he had summons to parliament *as a baron*; § for it appears that the writ by which he was so summoned, was the same as that by which the peers or nobility of the realm were convoked to parliament. In the following years, however, his name is only mentioned with those of the justices and counsel.||

He died about the 18 Edw. II.,¶ being then seised, with Constantia** his wife, of considerable lands in the counties of Southampton, Buckingham, Berkshire, and elsewhere: in the first and last of which counties he obtained, 10 Edw., II.,†† a charter for free warren throughout his demesnes at Bromeshull, Hayshill, Eversle, and Bray. After him

‡‡ Rot. Cha. 21
Edw. III. n. 5.
apud Cales.
§§ Esch. 34
Edw. III, n,
55,
|| Rot, Pat,
50 Edw, III,
m, 27,
¶¶ Vol, II, p,
49,

Thomas de Foxle is evidenced to have possessed the manors of Bray and Bromeshull,‡‡ with divers others in the counties of Berks and Southampton, 34 Edw. III.;§§ in which reign also, another

John de Foxle is noticed as a person of some note, to whom the king was pleased to grant||| the custody of the castle of Southampton; as likewise of the park of Lyndhurst, and the new Forest, to hold for life by the payment of £130 per annum.

Hutchins, in his History of the County of Dorset,¶¶ mentions a Thomas Foxley to have left a daughter and heiress, Elizabeth, who married Thomas Uvedale, of Wickham, in the county of Southampton, and had issue a son, Henry Uvedale.

FRENE.—(10 Edw. III.)

*† Dug, List
of Sum,

†† Mille's Cat,
of Hon, and
Dugd, Baron,
*§ Pat, Rot,
10 Edw, III,
m, 42,
*|| Ibid,

In the 10 Edw. III. Hugh de Frene^b had summons to parliament*† among the barons of the realm; but only in that year, and no more. This Hugh is presumed to be he who married*† Alice, daughter and heir of Henry de Lacy, earl of Lincoln, widow—first of Thomas, earl of Lancaster,*§ and 2ndly, of Eubolo le Strange: in right of which lady, he is said*|| to have claimed the earldom of Lincoln. He, however, by her had no issue.

^a Sive Foxley; the name of a manor in the county of Wilts.

^b The name of Hugh de Frene occurs as one of the tilers at the tournament at Dunstable the 7 Edw. II., bearing then for arms "*Goules ove deux Barres endente Arg. et Az.*"

The family of de Frene was long of high repute in Herefordshire, where, 19 Edw. I., Hugh de Frene had a charter* for free-warren in his lands at Mockas and Sutton: and, in the 21st of the same reign, had a royal license† to castellate his manor-house at Mockas aforesaid.

* Rot. Cha.
19 Edw. I. n. 1
† Rot. Pat. 2.
Edw. I. m. 12

Walter del Freisne appears to have been an ancestor to the said Hugh; which Walter, 12 Hen. II., was certified‡ by Adam de Porte, to hold three knights' fees of his barony, in the county of Hereford.

‡ Hearne's
Lib, Nig,
Scacc, Vol. I,
p. 51, Heref,
§ Ibid,

Alured del Freisne was cotemporary with Walter, and, in the same certificate,§ of Adam de Port, is mentioned as holding the third part of a knight's fee of his barony.

Richard de Frene held Sutton Frene and Mockas, in Herefordshire, in the time of Edward III.||

|| Esch, 49
Edw. III, n. 51,

FRESELL.—(26 EDW. I.)

Simon Fresell, 26 Edw. I., was one of those persons who, by the denomination of a baron,¶ was summoned to attend the king at Carlisle, equipped with horse and arms: but as this writ by no means imports to be a summons to parliament for the purpose of legislation, and as the name of Fresell does not occur in any subsequent summons, other than of the like nature in the following year to the same place,** there seems no reason to consider that any inheritable barony was vested in this family.

¶ Dug. Lists,
of Sum,

** Clau, Rot,
27 Edw. I, In
Dero, m. 14,
and 12,

Agas, or rather Agatha, daughter and heir (after the death of her brother) of a Sir Richard Fresell, or Frysell, by Catharine, his wife, daughter and co-heiress of Sir John Geedinge, in Suffolk, married Sir Simon Saxham, and had a daughter and heir, Joane, who married Nicholas Drury, of Thurston, ancestor to the family of Drury Baronets.††

†† Collins's
Baronetage,
Vol. V, p. 248

GERNON.—(45 HEN. III., and 35 EDW. III.)

John de Gernon, 12 Edw. III, ‡‡ was appointed one of the justices of the Pleas in Ireland; and in the 15th of the same reign,§§ was constituted chief-justice. After him*

‡‡ Rot, Pat,
12 Edw. III.
m. 34, p. 2,
§§ Ibid, 15
Edw. III, m,
27, p. 2,
|| Ibid, 50
Edw. III. m.
31, p. 2.

Roger de Gernon is mentioned as having a grant||| of the manor of Donaighmain, in Ireland,—to hold at the annual rent of 26s. 8d., with power to sell any part or parcel thereof, to any one in England.

But at what period this family first became connected with Ireland,—or how, whether

* In the year 1329 John and Roger Gernon (brothers) are stated to have been concerned in the murder of the earl of Louth, lord chief-justice (or governor) of Ireland.

* Camd. in
Mag. Brit. &c.

by grant or intermarriage, authorities are silent: though Camden* recites, that among many others of English original, the Gernons were then remaining in the county of Louth.^a

Of this Irish branch it may be presumed, the principal representative was Nicholas de Gernon; which

Nicholas, was likely the grandson of William Gernon, hereafter mentioned, by his wife the sister of Nicholas de Tregoz, and was, perhaps, so called Nicholas, from his said great uncle Tregoz. This

† Dug. Lists
of Sum.
‡ Ibid.

Nicholas Gernon,^b 35 Edw. III, was one of those persons, who, by reason of their tenure of certain lands in Ireland, were then summoned† to attend a great council to be holden at Westminster, to take into consideration‡ the state of affairs with respect to that kingdom; but as this summons does not import to be for the assembling of any parliament for the general purposes of legislation, the writ can by no means be considered as the creation of any inheritable peerage dignity in the person of the said Nicholas, or of his heirs.

The family of Gernoun is certainly of great antiquity, as noticed in Domesday Book; but, nevertheless, none of the name are recorded among the parliamentary barons of the realm, although, at various times and in several branches, they possessed very considerable estates in divers counties, and particularly in Norfolk, Essex, Hertfordshire, and Derbyshire.

§ Edmondson,
Collins, &c.
|| Vincent's
Discov. of
Brooke's
Errors.

Matthew de Gernon, grandson and heir to Robert,§ who came in with the conqueror, married|| Hodierna, daughter and co-heir to Sir William de Sackville, second son of Herbrand de Sackville, and brother to Robert, lineal ancestor to the duke of Dorset. By this lady he had issue.

Ralph de Gernon, who, by his wife, sister to William de Briwere, had another

¶ Monast.
Anglic. Vol.
II. p. 362, lib.
51.

Ralph de Gernon, founder¶ of Lees Priory, in Essex, who died about the 32 Hen. III.,** leaving, by his wife, a daughter married to ——— Basset.

** Esch. anno
incerto Hen.
III. n. 216,
†† Esch. 43
Hen. III. n. 24
‡‡ Seager's
Baron. MS.

William de Gernon, his son and heir, who died 43 Hen. III.,†† having had issue by Eleanor,^c his wife,‡‡ two sons: Ralph, his successor, and Gefferey, whose son Roger, by the heiress of Potton, lord of the manor of Cavendish, in the county of Suffolk, had a numerous issue, who took the name of Cavendish, and became the ancestors of that family, and of the present duke of Devonshire.

^a In 1681 Margaret, only daughter of Nicholas Gernon, of Milton, county of Louth, married William Fortescue, of Newrah, in the same county, esq.

^b Nicholas Gernoun, knight, and Thomas Wingfield, held lands in Swyftlynge, Pesenhall, Rendham, and Bergham, Suffolk.—Vide Inq. ad. Q. D. 37 Edw. III. n. 29. p. 334.

^c Morant (Vol. I. p. 158) calls her Beatrix, daughter and heir of Henry de Theydon, and names three sons; viz. Ralph, Arnulph, and Gefferey.

Ralph de Gernoun, eldest son of William, before mentioned had summons to the parliament of 45 Hen. III.,* and deceased the 2 Edw. I.,† and was succeeded by

William de Gernon, his son and heir, who died about 1 Edw. III.,‡ leaving, by Hawyse, his wife, sister, and at length co-heir to Nicholas de Tregoz, a son John, his successor, and Thomas, father, (as conjectured) of Nicholas, before mentioned; which

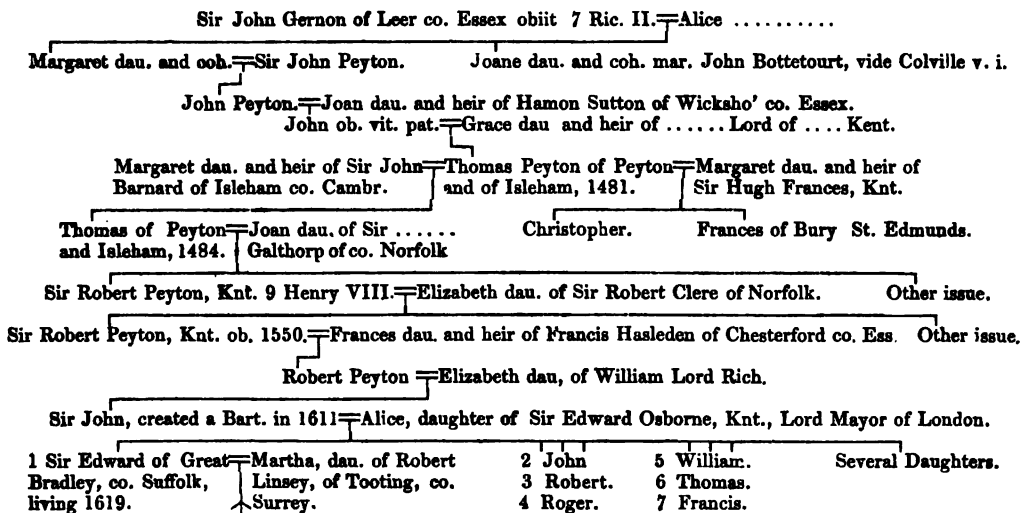
John de Gernon died about 8 Edw. III., having had issue by Alice, sister and co-heir to Edmund lord Colville, of Castle Bytham, a son

John de Gernon, his successor, who, 39 Edw. III., was sheriff of the counties of Essex and Hertford, and deceased in January, 1384, the 7 Ric. II., leaving issue, by Alice his wife, two daughters, his co-heirs; and co-heirs to the barony of Colville, viz. Joan, wife of John Bottetourt, and Margaret,§ of Sir John Peyton, knight, who in her right obtained the manor of Wicken, in Cambridgeshire,|| and was progenitor to Sir Edward Peyton, of Isleham, created a baronet at the first institution of that order.

Having thus deduced the elder male line of William, the son of Ralph de Gernon, to its termination in female co-heirs; it remains to be noticed, that Edmondson¶ states, that the said Ralph had a second wife named Hawyse, by whom he had a son John,^b who died about 15 Edw. II., leaving, by Elizabeth his wife, a son William, who at that time** was seventeen years of age and upwards, and heir to his father. This

William de Gernon, 24 Edw. III.,†† by the description of "William, Son of John Gernon, and Elizabeth his wife," was enfeoffed by his cousin John Gernon, with certain lands in the Hundred of Lexden, in Essex; and 31 Edw. III., was sheriff of London.

Visitation of Co. Cantab. per Henry St. George 1619.



* Vide Rot. Parl. v. 1. p. 385.—wounded in his right hand, when Edward Bruce was slain in Ireland.

^b Query this John Gernon, or the preceding, and styled of Ireland, ut patet. p. Rot Pat. Supra?

* Claus.
45 Hen. III.
m. 3. Dors.
† Esch.
2 Edw. I.,
n. 19
‡ Ibid.
1 Edw. III.,
n. 65.

§ Mic. Fin.
18 Ric. II.
Rot. 4. b.

|| Ex. Stem.
Fam. de
Peyton.

¶ Baron.
Geneal. in
Fam. de
Cavend.

** Origin.
15 Edw. II.
Rot. 24.
†† Esch.
24 Edw. III.
n. 19.
Sec. Nos.

HARDREDESHULL.—(16 Edw. III).

* Dug, Ant,
Warwick.
p. 777,

This family was of great antiquity in the county of Warwick, where, Hugh de Hardredeshull was possessed of the manor of Hartshill,* in the time of Hen. I.

William Hardredeshull, grandson of the said Hugh, in the 3rd of king John, served the office of sheriff, for Warwickshire and Leicestershire, for William de Cantilupe. His grandson, another William, in the 43 Hen. III., did homage for all those lands in Lincolnshire, whereof Grace de Lisle died seised, and were of his inheritance. He died the 46 Hen. III., leaving

Robert de Hardredeshull, his son and heir, who, taking part with the rebel barons under Montfort, earl of Leicester, was slain fighting on their behalf at the battle of Evesham.

Sir John de Hardredeshull, brother to the said Robert, had the manor of Hartshill, which was exempted from forfeiture, by the Dictum de Kenilworth. His arms were "*a Border with Martlets*;" but afterwards changed, viz. "*Arg. a Chevron S. between 10 Martlets, G.*" He died 4 Edw. I., leaving

William, his son and heir, in minority, who, 20 Edw. I., having done his homage, had livery of his inheritance 29 Edw. I. He had summons to attend, with other eminent persons, at Berwick-on-Tweed, to march with the king into Scotland; but shortly afterwards he died, 32 Edw. I., being only about thirty-three years of age.

John de Hardredeshull, son and heir of the aforesaid William, was about ten years old at his father's death, and attaining his majority about the 6 Edw. II., had livery of his lands. Shortly after, when attending the king into Scotland, he was taken prisoner at the disastrous battle of Bannocksburne, where the English army was so signally defeated by the Scots, under their king Robert Bruce.

† Dug, Lists
of Sum,

After his liberation, he was in several high offices and employments in the reign of Edward II.; and, 16 Edw. III., is mentioned by Dugdale to have had summons† in the character of a baron, among the earls and other nobility of the realm.*

† Dug, Ant,
Warwick,
p. 777.

He married‡ Margaret, one of the daughters and co-heirs of Sir James Stafford, of Sandon, knight, by whom he had issue three daughters his co-heiresses; viz, Elizabeth, wife of John Culpeper; Joan, of Sir James de Burford, knight; and Margaret, of Sir Richard Talbot, knight.

* Though not mentioned by Dugdale, in his lists of summons before the 16 Edw. III., yet by the rolls of parliament he appears to have been present in a parliament the 14 Edw. III.; being then named with others as a *Trier of Petitions*.

TABLE I.

John Hardredeshull, *Ætat.* 10 apud mort. Margaret, daughter and co-heir to
pat.; summoned to parliament 16 Edw. III. Sir James Stafford, of Sandon. *

1 Elizabeth, daughter and co-heir. John Culpeper, High-Sheriff of Kent, 43 Edw. III. 2 Jeanna, daughter and co-heir, married Sir James Burford. 3 Margaret, daughter and co-heir married Sir Richard Talbot.

Sir Thos. Culpeper, High Sheriff of Kent, 18 Ric. II. Lord of Exton, *jure uxoris.* Joan, daughter and co-heir to Nicholas Green, of Exton, by Jane, daughter and co-heir of John Bruce, of Exton, in com. Rutl.

Sir Thomas Culpeper, of Exton, daughter of

Catherine Culpeper, sole daughter and heir of Sir Thomas. Sir John Harrington, Lord of Exton, *jure uxoris.*

Robert Harrington, Sheriff of Rutland, 7 and 13 Hen VII. ob. 16 Hen. VII., daughter of

John Harrington, ob. 15 Hen. VIII.; buried at Exton. Alice, daughter to Henry Southell.

Sir John Harrington, ob. circ. 6 Edw. VI. Elizabeth, daughter and heir of Robert Moton, of Peckleton, in com. Leic.

Sir James Harrington. ob. 1591; buried at Exton. Lucy, daughter of Sir William Sidney, knight.

John, Lord Harrington, of Exton; cr. 1 Jac. I.; ob. 24 Aug. 1683. Anne, daughter and heir of Robert Kelway.

John, 2nd Lord Harrington, ob. 27 Aug. 1613, S.P. (Esch. 14 Jac. I.) Lucy, sister & co-heir, married Edward Russel, earl of Bedford; ob. S. P. Frances, sister & co-heir, and at length sole heir. Sir Robert Chichester of Raleigh, K. B.

Anne, sole daughter and heir to Sir Rob. Chichester, K.B. ob. 1627; *ætat* 22; buried at Exton. Thomas Bruce, Lord Kinloss, afterwards earl of Elgin; ob. 1663.

Robert, 1st Bruce, earl of Aylesbury, ob. 1665. Diana, daughter of Henry Grey, earl of Stamford.

Thomas, 2nd earl of Aylesbury, ob. 1741. Elizabeth, daughter of Henry Seymour, Lord Beauchamp.

1st wife: Anne, daughter and co-heir to William Saville, Marquess of Halifax. Charles, 3rd and last Bruce, earl of Aylesbury; ob. 1746-7. 3rd wife: Caroline, daughter of John Campbell, duke of Argyle.

Robert, Lord Bruce, ob. vi. pat. 1738, S. P. Mary, daughter and co-heir, ob. 1738, vi. pat. Henry, 2nd duke of Chandos, ob. 1771. Elizabeth, daughter & co-heir, married the Hon. Benj. Bathurst; ob. S. P. Mary, daughter & co-heir, married Charles, duke of Richmond, ob. S. P.

James, 3rd duke of Chandos; ob. 1789. Anne Eliza, Relict of Roger Hope Elletson, esq.

Anna Eliza, only surviving daughter and heir of James, the last Bridges duke of Chandos, and wife of Richard Grenville, late duke of Buckingham and Chandos.

* By some she is called *Maud*, daughter and heir of Mussenden.—Wotton's *Baronetage*, edit. 1797, Vol. I. p. 328.

HASTINGS.—(24 Edw. I.)

Robert de Hastings is mentioned as one of those persons who, 24 Edw. I., had summons* to attend the great council to be holden at Newcastle-upon-Tyne, well furnished with horse and arms, and to consult upon the expedition then intended against the Scots.

* Dug. Lists of Summ.

If the name of *Hastings* be not a misnomer for that of *Hastang*, which family is noticed by Dugdale among the barons† of the realm, it may become a point of some uncertainty as to who was the identical Robert de Hastings, to whom the writ of 24 Edw. I. was addressed; the more particularly so, as none of the printed genealogies of

† Dug. Bar. Vol. II.

the Hastings, barons of Abergavenny, and earls of Pembroke, or of the ancestors of the Huntingdon line, composed by Dugdale, Collins, or Edmondson,* make any mention of a Robert de Hastings, at that era.

* Vide Collins and Edmondson's Baron. Gen.

It however is recited, that in 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter,

† Hearne's Lib. Nig. Scacc Vol. I. p. 241, Essex.

Robert de Hastings held† ten knights' fees in Essex, and elsewhere. This person appears to be the same who married Delicia, daughter and heir of Robert de Windsor, lord of Estaines, in Essex, who wedded Henry Cornhill; whose daughter and heir, likewise called Delicia, carried the said lordship of Estaines, with other lands, in marriage to the family of Lovaine.‡ As this Robert left only female issue, and died prior to the reign of Edward I., it is evident that he was neither the person then summoned to parliament, or progenitor to the party then alluded to.

‡ Vincent's Baronage, MS. in Coll. Arm.

EDMUND HASTINGS.—(26 Edw. I.)

§ Vide Dug. Baron, Vol. I. p. 575.

This person was a younger son of Henry, lord Hastings, by Joane§ his wife, daughter and co-heir to William, lord Cantilupe, of Bergavenny. He was one of those eminent men, who in the parliament at Lincoln, 29 Edw. I., subscribed that memorable letter to the Pope, asserting the king's supremacy over the realm of Scotland, on which occasion he is denominated || *Edmundus de Hastings, Dominus de Enchimchelnok*, (probably the name of some lordship in Wales). Moreover, in 5 Edw. II., he was constituted ¶ Governor of the town of Berwick. In 26 Edw. I. he had summons as a *baron*, to attend with horse and arms at Carlisle; and further, he had summons to parliament, among the barons of the realm, from the 28th to the 35 Edw. I., inclusive; ** and also in the 6 and 7 Edw. II.: †† when he died, the name of his wife, or whether he had issue is unnoticed: but from the silence of Dugdale, Collins, and Edmondson, it may be presumed that he died issueless. Francis Thynne says, that he married Isabella ———, and had great possessions in Wales.

|| Dug. Lists of Sum. ¶ Rot. Pat. 5 Edw. II. m. 6

** Dug. Lists of Sum. †† Ibid.

In 1306 Alan 7th earl of Menteith in Scotland, was taken prisoner and committed to the custody of John de Hastings, in England, where he died. Isabel, or Isabella, was probably his widow. Edmund de Hastings is described in the roll of Carluverock as brother to John. In the list of Scotch knights, and of others who performed homage to Edw. I. is Dña Isab. ux. Dñi Edm. Hastings pro terī in com de Strivelyn et de Forfar. Which affords the presumption that the said Isabel, or Isabella, was the widow of the earl of Menteith, as before observed.

HAVERING.—(27 Edw. I.)

†† Rot. Cha. 56 Hen. III. n. 6.

John de Havering in the time of Henry III., †† held the manor of Grafton, in the

county of Northampton; and in the same year had license granted to him,* to hunt over his lands in the counties of Southampton and Wilts., 28 Edw. I. He was constituted justice of Wales,† with a great latitude of power, and by that description had summons to parliament the same year, but his name is then mentioned among the justices and king's counsel viz: "*Johanni de Havering Justic' Northwall;*" and in the 30th of the same reign had a grant‡ of a place called Littleferme and Kingesheth, with four hundred and twenty-one acres of the waste in Savernake Forest, Wiltshire, to hold by the annual payment of £7. Os. 4d.

* Rot. Pat. 56
Hen. III. m. 51

† Rot. Pat.
28 Edw. I. m.
21.

‡ Ibid. 30 Edw.
I. m. 10.

In the 27 Edw. I. he is named§ among the earls and barons who were then summoned by writ, dated the 6th of February, to attend a parliament at that time to be holden at London. Also by another writ, bearing date the 10th of April, in the same year, he had the like summons to attend a parliament appointed to meet at Westminster. Moreover, he was one of those barons, || or great men, who, in the parliament holden at Lincoln, 29 Edw. I., then subscribed his name, and affixed his seal¶ to that memorable letter which was sent to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he is denominated "*Joannes de Haveringes, Dominus de Grafton;*" but his name does not appear in the summons to the said parliament. In the 33 of Edw. I., he probably is the same John, who, with others, was named a trier of petitions.

§ Dug. Lists
of Sum.

|| Ibid.

¶ Ibid.

In 29 Edw. I. he had license to enfeof certain lands at Grafton, for a chaplain, to serve in the chapel of St. Mary, at Est Grafton. When he died does not appear; but, 9 Edw. III., Margaret, widow of a John de Havering, held lands at Lachyndon, in Essex, and at Stokewell, in the village of Offley, in Hertfordshire.**

** Each. 9
Edw. III. n. 20.

There was a William de Havering who married Maud, daughter and co-heir of William de Bocland, and had issue John de Havering his son and heir, who left a daughter and heiress Elizabeth, who married Matthew Besilles, 8 Edw. II. The Besilles family had the manor of Bocland, &c.—(*Vide Esch. 13 Edw. III. No. 21, and 27 Edw. III. No. 19*).

After him, one Richard de Havering, son and heir of Nicholas de Havering, and Margaret his wife, daughter and co-heir of Henry Grapenell,^a was seised of the said manor of Grafton; and, 21 Edw. III., †† had a charter for free-warren there, and at Walton, in Wiltshire; Stopperley, in Bedfordshire; and Chalkwell and Berdfield, in Essex. This Richard left a daughter and heir, Elizabeth, who married John Plecy, senior, of Shapwick, in the county of Dorset. ††^b

†† Rot. Cha. 21
Edw. III. n. 8.

†† Hutchins's
Dorset, vol. 2.
p. 70.

^a This Henry Grapenell had issue four daughters, his co-heiresses; whereof Petronilla married John Fitz-John; Margery married William Inge; Johanna married Adam Fitz-John; and Margaret was wife of Nicholas Havering.—*Vide Originaria*, 8 Edw. III. Rot. 19. *Norf.*

^b N.B.—*Vide* No. 1408 Harl. MSS.—Extract of a Deed with the trick of the Seal of Sir Richard de Havering, dated 3 Edw. II. (45) fol. 50.

HERLE.—(3 Edw. III).

Arms: G. a Fess, between 3 Shovelers, Arg.

This name is most certainly of considerable antiquity, although not of early baronial rank. It probably was assumed from the manor of Herle, in Northumberland, where, according to an ancient record,*

* Testa de Nevill, vol. II. p. 723.

† Ibid.

Hugh de Herle held a moiety of the township of Herle, by the service of half a knight's fee of ancient enfeoffment, and where also,†

‡ Ibid.

John de Herle held the fourth part of the same township, by the service of a fourth part of a knights' fee, de veteri feoffamento; both which services were holden‡ of the barony of Gilbert de Humframville, who held the same of the king in capite. From this stem descended

§ Burton's Leicester, p. 138.

|| Chronic. Jurid.

¶ Ibid.

** Dug. Lists of Sum. ejusd. Ann.

†† Rot. Pat. 1 Edw. III. m. 37.

‡‡ Dug. Lists Summ.

§§ Chronica. Jurid.

||| Rot. Pat. 9 Edw. III. m. 30. p. 2.

¶¶ Dug. Lists of Sum.

*† Rot. Cha. 6 Edw. III. n. 22.

*† Esch. 21 Edw. III. n. 30.

*§ Ibid.

*|| Ibid.

*¶ Burton's Leicester.

p. 138.

**† Esch. 13 Edw. III. n. 51.

Sec. Nos.

**† Rot. Pat. 26 Edw. III. m. 33. Ibid. 34.

Edw. III. m. 12. p. 3.

**§ Ibid. 35 Edw. III. m. 32.

**|| Esch 38 Edw. III. n. 23.

**¶ Burton's Leicester, p. 137. et alibi.

William Herle, who married Catherine, daughter§ of Humphrey Beauchamp, and had issue a son William, which

William Herle became a person of great eminence. In 10 Edw. II. he was|| one of the king's serjeants at law; and in the 21st of the same reign, made¶ one of the justices of the common pleas.** Moreover, in 1 Edw. III., he was advanced†† to the degree and dignity of chief-justice of the same court.

In 3 Edw. III. he had summons to attend a great council or parliament, then called upon to assemble and meet at Windsor; on which occasion, his name is included among those of the earls and barons.‡‡ In 9 Edw. III. he was allowed to resign§§ his seat upon the bench, but was retained as one of the king's council, with the privilege||| of being summoned to parliament along with the king's justices.¶¶

This William seems to have been possessed of the lands of his ancestors in the county of Northumberland, where in 6 Edw. III.,*† he obtained a license for free-warren, in his demesnes of Kerkekerle, Ederston, and Slaneby. He died about 21 Edw. III.,*‡ being then seised of half of the barony of Bolebec, in Northumberland, holding by the service of 33s., payable annually,*§ at the Exchequer, in Newcastle-upon-Tyne; together with divers lands there, and in the counties of Warwick and Leicester.

He married Margaret, daughter*|| of Sir Philip Courtney, and had issue a son Robert, and a daughter Margaret, hereafter mentioned.

Robert Herle, son and heir*¶ of William, was in great favour in the time of Edward III., in which reign he obtained several grants;**† and in the 35th of that king, was constable of Dover Castle, warden of the Cinque Ports, and was constituted admiral of the Fleet, eastward, northward, and to the west**‡ of the Thames. He died about 38 Edw. III.,**§ when having no issue, his great estates in the county of Leicester, &c., passed,**|| as Burton affirms, to Margaret, his sister and heir, who married Sir Ralph Hastings, knight, ancestor to the line of Hastings, earl of Huntingdon.

HUDLESTON, OR HODELESTON.—(24 EDW. I).

This family, according to some authorities,* is of five descents, prior to the Norman conquest: but without indulging in such a questionable deduction, it may be equally satisfactory to state, that

John de Hudleston, of an ancient Yorkshire family, was lord of Anneys, within the seigniori of Millum, in the county of Cumberland, and married Joane, daughter and heir of Adam de Boyvil, lord of Millum, aforesaid,† whose ancestor, Godart de Boyvil, was enfeoffed thereof at an early period by William de Meschines lord of Coupland.

This John de Hudleston, 35 Hen. III.,‡ obtained a charter for a market and fair at his lordship of Millum. He had issue, John, and probably Adam§ de Hudleston.

John de Hudleston, who succeeded his father, was a person of note, and, 24 Edw. I. was summoned|| to attend a great council then directed to assemble at Newcastle-upon-Tyne. The like summons¶ he also had in 26 Edw. I. to attend a great council at Carlisle; on which occasion his name is entered with those who are in the Clause Roll ** *denominated barons*. Furthermore, in the 29th of the same reign,†† he was one of those who, in the parliament at Lincoln, subscribed his name, and affixed his seal, to the memorable letter, which at that time was sent to the Pope, asserting the king's supremacy over the realm of Scotland; on which occasion he is written *Baron de Aneys*: but he was not summoned thereto.*

In 30 Edw. I., he had a license‡‡ for free warren in his demesnes at Millum, in Cumberland, and at Whittington and Holme, in Lancashire. When he died does not appear; but he is said§§ to have deceased unmarried, and to have been succeeded in the inheritance by

Richard Hudleston, who, 15 Edw. II. was found||| to be son of John de Hudleston, and cousin, or rather next of kin and heir, of Adam de Hudleston, of Bylington and Soho in the county of Lancaster, and accordingly had livery of those estates. He married¶¶ Alice, daughter of Richard Troughton, which lady seems to have survived him; as, 11 Edw. III.*† she was then found to hold the manor of Millum, with divers tenements at Satherton, in the county of Cumberland.

But as the before-named John de Hudleston, baron of D'Aneys, had no issue, a further account of his family would be superfluous, were it not by reason that several of them intermarried with the female branches of some of our old nobility; and, as such, their descent has become interwoven with the genealogical history of the peerage.

* Nichols. & Burn's History of Cumb. and Westm. vol. 2. p. 11.

† Ibid.

‡ Cha. Rot. 35 Hen. III. m. 4. § Esch. 15 Edw. II. n. 3.

|| Dug. Lists of Sum. ¶ Ibid.

** Ibid.

†† Ibid.

‡‡ Cha. Rot. 30 Edw. I. n. 48.

§§ History co. Cumb. and Westm. vol. 2, p. 11.

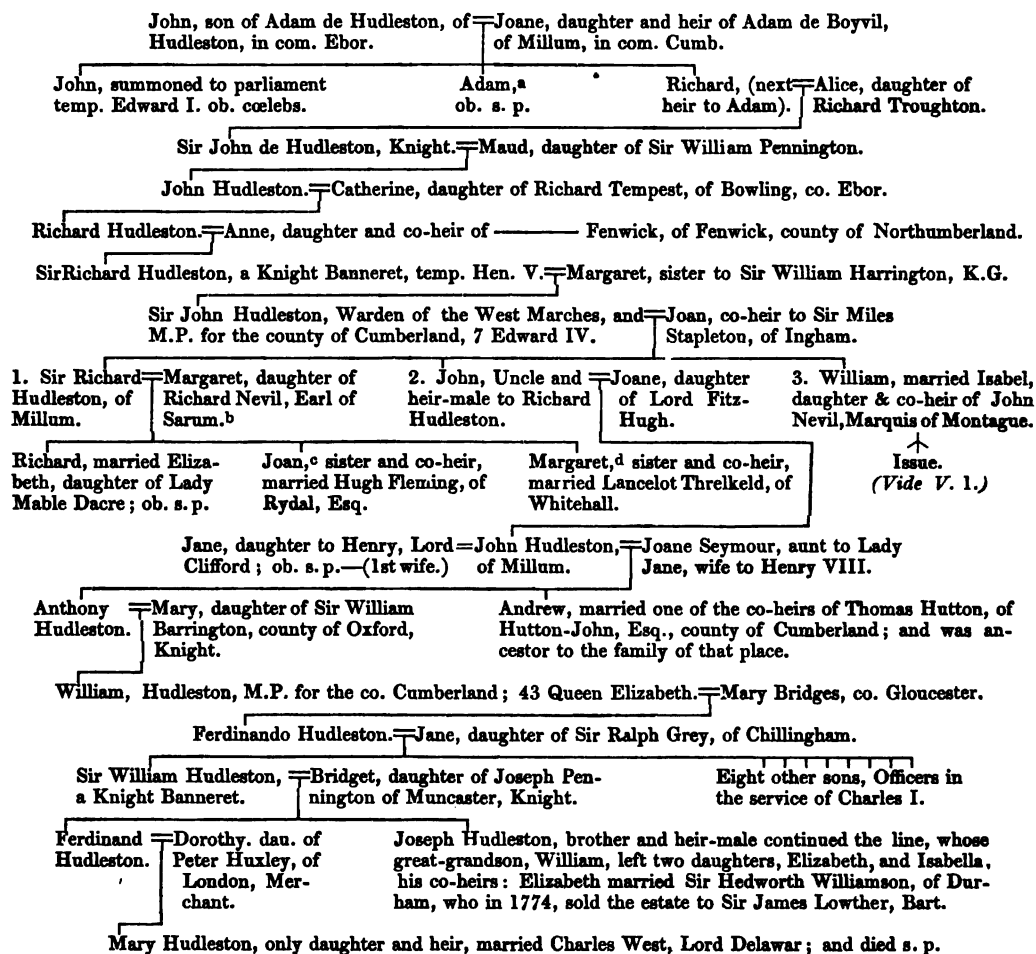
||| Original. 15 Edw. II. Rot. 18.

¶¶ History co. Cumb. and Westm. vol. 2, p. 11.

*† Esch. 11 Edw. III. n. 32.

* There were many who, though not summoned to this parliament at Lincoln, yet affixed their seals to the letter. It would seem they were considered in the character or quality of Barons, notwithstanding they were not called by writ to be present therein. The description of their seat or *Caput Baronie*, points out their rank.

The following account of the successive lords and possessors of Millum, is taken
 * Vol. 2. p. 11 from Nicholson and Burn's History* of the counties of Cumberland and Westmorland:
 and 12.



^a This Adam was likely the same who in the Tournament at Stobenhithe 2 Edw. II. was one of the tilters, bearing for his Arms, viz. "Goules, fretty Arg., a label of Three points, As."

^b In the Visitation of Co. Cantab per Henry St. George, anno 1619. She is called Margaret, daughter of Richard Nevil, of Norwich.

^c & ^d NOTE.—These Two Ladies were in right of their grandmother Joan Stapleton, co-heir to the barony of Ingham; which in their heirs general, descended from them, still remains. But it is said by some authorities, that Joan Stapleton had issue by a former husband, Christopher Harcourt; which issue would have priority to that of Hudleston.

KEN.—(24 EDW. I.)

John de Ken, 12 Hen. II., held two knights' fees of the bishop of Bath, at Ken, in the county of Somerset.* To this John succeeded

Richard de Ken, who was living 10 Ric. I.; from whom descended another Richard; which

Richard de Ken, 24 Edw. I., had summons to attend the king at Newcastle-upon-Tyne, on which occasion, though the summons does not purport to be for a parliamentary attendance, yet the roll which recites this writ† has this notice made thereon; viz. "*Respice cedula pendente de nominibus comitum et baronum qui rogati fuerunt per regem ad guerram Scotiæ.*" Whereupon it may be inferred, that the said Richard, was summoned in the character, or under the reputation of a baron. In the following year he had another summons to attend at Rosse,‡ to advise, among others then summoned, with the king's son, who was appointed his father's lieutenant. But this writ most evidently was not, any more than the former, for a parliamentary purpose, though it expressly was to give advice in council. He died about 31 Edw. I., and was succeeded by his son.

John de Ken, from whom, after several descents, was another John; which

John de Ken, who was living at Ken the 12 Edw. IV.,§ and then bore for his arms, "*Erm. three Crescents G.*;" which arms were borne by his successors, though sometimes with a variation of the crescents. His grandson,|| another

John de Ken was living at Ken in 1545. He was twice married. His first wife was Margaret, daughter of Sir Christopher Baynham, of Claverwell, in the county of Gloucester, by whom he had several sons; the eldest whereof,

Christopher Ken, by Florence his wife (who survived him), had two daughters his co-heiresses; viz. Margaret, married to William Guise, of Elmore, in Gloucestershire, esq.; and Elizabeth, married to John, lord Poulet, of Hinton St. George. The said Christopher Ken died 21 Jan. 1593, and was buried in the church of Ken, in the east wall of the chancel; where, within a recess, is an old monument with the effigies of a man in armour, with a woman kneeling; and opposite him are his two daughters, kneeling one behind the other, in the dress of the time of queen Elizabeth. On the base of the monument is a lady leaning on her left arm, and holding in one arm an infant, and in the other a book.

KENDALL.—(1 EDW. III.)

Hugh de Kendall, in the time of Edward I., was one of the keepers of the great seal,¶ which was delivered to him and Walter de Odyham, by Robert, bishop of Bath and Wells,

* Lib. Nig. Scacc. vol. p. 86.

† Claus. Rot. 24 Edw. I. in Dorso. m. 12.

‡ Ibid. 25 Edw. I. in Dorso. m. 8

§ Claus. Rot.

|| Collinson's Somerset, vol. 3. p. 592.

¶ Rot. Pat. 12 Edw. I. m. 7. n. 1.

* Rot. Pat. & Chro. Jurid.
† Cha. Rot.
20 Edw. I. n. 32.

on the feast of St. James the Apostle;* and in the 20th of the same reign,† he had confirmed to him, for term of life, a capital messuage at Tottenham, in the county of Middlesex. After him,

‡ Original.
1 Edw. II, Rot. 2.
§ Pat. Rot. divers. ann.
|| Rot. Pat. 14 Edw. II. m. 22.
¶ Dug. Lists of Sum.

Robert de Kendall is noticed as a person of very considerable note, who, 1 Edw. II.,‡ and afterwards in several years,§ was nominated warden of the Cinque Ports, and constable of Dover Castle. Moreover, in 14 Edw. II., the king having taken into his hands the charter of the city of London, he was appointed|| to the office of mayor.

In 1 Edw. III.¶ he was one of those great men who was summoned, among the earls and barons, to attend the king at Newcastle-upon-Tyne, with horse and arms, to march against the Scots, in which summons the writ is addressed "*Roberto de Kendall, custodi quinque portuum.*" But this summons has no indication to have been a call to parliament for the purpose of legislation, and as such, was neither a confirmation of any old baronial right, or the creation of a new honour: it was merely as the writ imports, *a summons of service*,** which, by reason of the tenure of his lands, he was bounden to perform.

** Ibid.

†† Gross. Fin. 4 Edw. II. in Cancell.

In 4 Edw. II.,†† he paid a fine of twenty marks for license to have entry into the manor of Wodecroft, in the county of Bedford, holden of the king *in capite*, and of the fee of John le Poer. Also, 13 Edw. II.‡‡ in consideration of his laudable services, and of a fine of 120*l.* he had an acquittance of the 12*l.* per annum, by the payment whereof he held the manor of Shalden, in the county of Southampton.

‡‡ Ibid. 13 Edw. II. Rot. 12.

§§ Rot. Char. 11 Edw. II. n. 11.
||| Mag. Brit. p. 981 Herts.
¶¶ Each. 4 Edw. III. n. 26.

In 11 Edw. II.§§ he had a grant of free-warren in his demesne lands at Hiche, Madecroft, and elsewhere in the county of Hertford;||| as also at Wodecroft and Litton, otherwise Luyton, in the county of Bedford; and 4 Edw. III., upon his death, it was found that he held¶¶ the manors of Hiche, Madecroft, &c., in Hertfordshire; together with Shalden and other manors in the county of Southampton; as likewise Luyton and Flampstede, in Bedfordshire; all which, in the two first-named counties, Margaret, his widow held, (with others in Kent and Surrey), in 21 Edw. III.*† After him, in the same reign,

*† Ibid. 21 Edw. III. n. 19.

*‡ Ibid. 47 Edw. III. n. 20.

*§ Ibid. 49 Edw. III. n. 74.

*|| Ibid. n. 75.

*¶ Ibid. 45 Edw. III. n. 35.

Edward de Kendall,* with Elizabeth his wife, held*‡ all the same lands and manors in the counties before mentioned; together with a tenement in the parish of St. Nicholas, near Candlewick-strete, in Abchurch-lane, London:*§ when also Thomas de Kendall, clerk, held*|| certain lands at Hitchen, and elsewhere in Hertfordshire, and at Wodecroft, in the county of Bedford. Of this family

Sir Edmund de Kendall, held*¶ four messuages and six acres of land, at Rokeford, and Heywode, in the county of Southampton.

* There was an Edward de Kendall, who in the great Tournament at Dunstable, the 7 Edw. II. was one of the Tilters, bearing for Arms: *Arg. ove un Bend de vert, ove un Label de Goules.*

KINCUNBERGH.—(22 EDW. I.)

Walter de Kincunbergh, 22 Edw. I., is noticed as one of those great men who then had summons* to attend the king, wheresoever he should be, to consult in parliament upon the weighty affairs of the realm; but after this period no further mention is made of his name, which indeed there is reason to believe to have been a typical error in Dugdale's Lists of Summons, (as in the original Clause Roll† there is no such insertion), and seems to have been put for *Walter de Fauconberg* who was an ancient baron of the realm, and whose barony for a long time continued in his name, till by an heir female it was conveyed to another family.‡

The mention of this name of *Kincunbergh* is merely for a correction of *Dugdale*.

* Dug. List of Summ.

† 22 Ed. I. In Dors. m. 8.

‡ Dorm. et Ext. Baro. Vol. II.

KIRKBY.—(22 EDW. I.)

Arms: Arg. a Cross, vert. between two Annulets, vert.

John de Kirkby, a person of considerable eminence in the reigns of Henry III. and Edward I., was, on several occasions,§ appointed keeper of the Great Seal. He was the son of Avicia de Gorham,^a who died the 7 Edw. I.,|| seised of the manor of Medburn; as also of other lands at Drayton, and Prestgrave, in Leicestershire, and at Cotene, in the county of Northampton: of which he had livery¶ the same year. This John was canon of Wells and York, lord Treasurer and bishop of Ely, and died 17 Edw. I.,** being then seised of the aforesaid manor of Medburn; also of that of Holt and Kirkby, in the county of Leicester, with divers†† others in the counties of Middlesex, Hertford, Cambridge, Northampton, Bedford, Huntingdon, and elsewhere. His name appears among those who were summoned to attend the coronation of Edw. II.

William de Kirkby, cotemporary with John, if not his brother, was one of those great men who, 22 Edw. I., had summons‡‡ to attend a parliament then appointed to be called together; but of which no place is mentioned for its assembling, in the writ of convocation, which is dated at Westminster, the 8th of July, in the year aforesaid.

This William deceased 30 Edw. I.§§ being then seised of the manors of Medburne, Holt, Kirkby, and others in the counties before mentioned, whereof, John bishop of Ely,

§ Pat. Claus. 57 Hen. III. Pat. Rot. 7 Edw. I. m. 15. || Esch. 7 Edw. I. n. 19. ¶ Original. 7 Edw. I. Rot. 16. Leic. ** Ibid. 17 Edw. I. Rot. †† Esch. 18 Edw. I. n. 37. ‡‡ Dug. Lists of Summ.

§§ Esch. 30 Edw. I. n. 31.

^a She probably was the daughter and heir of Sir Hugh de Gorham, who, 24 Edw. I., was one of those great men who had summons to attend a great council at Newcastle-upon-Tyne, well furnished with horse and arms. This family of Gorham was of most ancient descent, and came into England at a very early period, though it never had the honour of being summoned to parliament. In the aforesaid 24 Edw. I., he is styled *Dominus Hugh de Gorham*; inferring at least, that he was a knight of some distinction.

* Ibid.
31 Edw. I.
n. 118.
† Original.
30 Edw. I.
Rot. 15.
‡ Burton's
Leicester.
p. 171.

had been possessed, leaving Christian his wife surviving,* and his four sisters, his co-heirs; between whom, his great inheritance was divided;† viz. Margaret, wife of Walter Doseville, (called Boseville by Burton),‡ Alice, of Peter Prylly; Maud, of Walter de Houby;§ and Mabel, of William Grymbaud. b

KYNGESTON.—(29 EDW. I.)

§ In Domo.
Capitulari
Westm.

In the 29 Edw. I. this name has place among those who, in the parliament at Lincoln,§ subscribed that letter sent by the nobility of England to the Pope, touching the king's supremacy over the realm of Scotland; on this occasion he is designated "Johs, Dñs de Kyngeston"; but he was not summoned thereto.

|| Lib. Quot.
Controrot.
Garderohe
Reg. p. 311.

¶ Char. Rot.
27 Edw. I.
n. 24.

He is not, in any other record, noticed as a baron, though the name has mention as *a bannerett*, in the Wardrobe account of 28 Edw. I.,|| where *Dominus Johannes de Kyngeston* has an allowance for robes. In 27 Edw. I. (if he be the same person), he had a grant of free-warren for his lands at Sutton Magna, Sutton Parva, and Tytecomb, in Wiltshire.¶ In 33 Edw. I., he was appointed with the bishop of St. Andrew, John de Sandale (chamberlain of Scotland), and another, one of the four custodes of that kingdom. But though he was a person of much consideration in his day, yet as there is no ground for attributing to him an inheritable baronial dignity, any further account of him or his family, is not material.

LAWRENCE. c.—(35 EDW. III.)

** Dug. Lists
of Summ.

Edmund Laurence, 35 Edw. III., was one of those who, by a precept or summons** directed to the sheriff of the counties of Nottingham and Derby, commanding him to convene the heirs of Camville, holding lands in Ireland, was enjoined to give his attendance at a great council then to be holden at Westminster, to deliberate on the state of affairs of that kingdom: but otherwise no mention is made of him elsewhere.

This summons most certainly was not a creation of any English parliamentary honour, and the name of Laurence is not noticed in the patent Rolls, as holding any high official character, nor as connected with any baronial family.

a Of this name, a Gilbert de Houby had summons to the great council before mentioned, at Newcastle-upon-Tyne.

b This William, is the same William Grimbauld who had summons to the before-noticed great council at Newcastle-upon-Tyne.—Vide Dugdale's Lists of Summons.

c Vide Tho. de St. Laurence of Swalcliffe, Kent, in Philpot, p. 306, and Esch. 22 Edw. III., No. 11.

LONDON.—(24 Edw. I).

This name occurs so early as 12 Hen. II., when, upon the assessment of aid for the marriage of Maud, the king's daughter, William de London returned the following certificate;* *viz.*

"Karissimo domino suo H. Dei gratia regi Anglorum, Willielmus de London, salutem. Sciatis, quod nullum militem habeo fefatum nec de veteri feoffamento nec de novo, sed debeo defendere feodum meum per servicium corporis mei." The name of

William de London is also mentioned in the certificate† of the barony of the earl of Gloucester, as holding of him four knights' fees^a in the county of Gloucester.^b

Robert de London,^c 24 Edw. I., had summons in the character of a baron, to attend the king, with horse and arms, at Newcastle-upon-Tyne;‡ but afterwards there is no mention of his name in the same capacity. † Ibid. p. 162.

In the Patent Rolls,§ the name of Hawyse de London is noticed as heir of Mabel de Cantilupe; and Atkyns, in his History of Gloucestershire, states,|| that Patrick de Chaworth married Hawyse, daughter and heir of Thomas de London, lord of Agmore and Kidwelly, in Wales. ‡ Vide Ken. § Pat. Rot. 51 Hen. III. m. 11. || p. 257 Kempsford.

MALBERTHORPE.—(3 Edw. III).

This name is derived from a place so called in Lincolnshire; for, in the 6 Edw. II.,¶

William, the son of Robert de Malberthorpe, had a license (in consideration of a fine of five marks) to grant certain tenements in Malberthorpe to William, the chaplain, keeper of the altar of St. Laurence, in the church of Malberthorpe, to pray for his soul, and those of his ancestors and successors.** After this, one ¶ Original. Gross. Fin. 6 Edw. II. Rot. 15 Leic.

Robert de Malberthorpe,^d an eminent lawyer, was made†† one of the justices of the King's Bench, and afterwards, in 4 Edw. III., chief-justice, in the room of Geoffrey ** Ibid. †† Chr. Jurid. anno 1320.

^a By a note in the Liber Niger Scaccarii, under the name of London, in this certificate, it is thus explained: *vis.* "Londonia, vel London, sive Londres; London, autem *idem* signat Langden, Langton, Longtown, sive Longdum oppidum."

^b In Thoroton's Nottingham, vol. ii., William de London is mentioned to hold certain lands of the Sergeanty in Nettlewood (Nettleworth), Warechip, and Tineslaw, in Com. Nott. (Pip. Rot. 7. Ric. 1.). He died in the time of Hen. III., s. p., leaving several sisters his co-heirs, whereof Elizabeth, and Eleanor died s. p., and Isabel was a nun at Ambresbury; Eva, another sister is said to have married Richard le Bret, and Dionysia ——— de Tyneslawe.

^c A Sir Roger de London is mentioned to have married the only daughter of a Sir Adam de Newmarch, and to have left an only daughter and heir, who married John de Wormley, and had issue a son John, and a daughter Elizabeth, who became the wife of Sir John Foliot, Lord of Fenwick.

^d Dugdale has included in his Baronage the names of Inge and Benestede, who were summoned to parliament the 8 Edw. II.; when the Judges and King's Counsel were intermixed in the same writ with the Earls and Barons—yet has omitted all mention of the name of Malberthorpe, though this Robert is included in the same writ with the Earls and Barons the 8 of Edw. III.

* Chr. Jurid. anno 1330. le Scrope, then going upon a mission abroad.* In this capacity of one of the king's justices he had summons to parliament from the 14 Edw. II.† to the 2 Edw. III., both inclusive; but in the year following, viz. 3 Edw. III., his name is included‡ among those of the barons, as also earls, summoned to a great council to be holden at Windsor, and there to give their advice on the affairs of the nation. He died about 5 Edw. III.§

† Dag. Lists of Summ. ‡ Ibid.

§ Original. 5 Edw. III. Rot. 43.

|| Lodge's Irish Peer. Vol. II. p. 48.

Elizabeth, daughter and heir of Robert de Malberthorpe, of Malberthorpe, in the county of Lincoln, married Sir Thomas Fitz-William, who was living the 18 Edw. III., and was ancestor to the families of Fitz-William, of Plomtree and Mablethorpe, which, according to Lodge,|| terminated in the reign of queen Elizabeth, in William Fitz-William, esq., sheriff of Lincolnshire, 22 Elizabeth, who, by Elizabeth, daughter to Sir Robert Tyrwhit, of Kettleby, in that county, had only female issue; viz. three daughters—Elizabeth, Dorothy, and Mary: one of whom carried Mablethorpe to her husband, Roger Halton, esq., son and heir of Robert Halton, sergeant-at-law.

MALURE.—(35 Edw. III).

This name has been variously written, as *Mahure* or *Maleverer*, *Malore* or *Mallory*; and though not of baronial rank, yet nevertheless has at times made a very conspicuous figure, and produced several eminent persons.

¶ Chr. Jurid. anno 1293. Peter *de Malore* was one of the justices¶ of the Common Pleas, the 21 Edw. I., and in that quality had summons to parliament from 23 Edw. I. to the 2 Edw. II., both inclusive. But his name is differently written at various times in the summons; ** viz. Mallore, Maloure, &c. After him, another

** Dag. Lists of Summ.

†† Ibid. Peter *de Malure* is noticed, who, 35 Edw. III., was one of those who, holding lands in Ireland, had summons to attend a great council then†† convened to meet at Westminster, to deliberate upon the affairs of that kingdom. But with regard to the descent of these persons, or their connection with each other, there is no proof to establish the same.

‡‡ Esch. 3 Edw. I. n. 12. Of the name of Malore, or Malory,‡‡ was Nicholas, the son of Sir Anketil (or Anketon) Malory, who had lands at Northdalton, Multhorp, Wigenthorp, Tiverington, Huntington, and Clifford, in the county of York; at the four first of which places, Sarra, who was the daughter of Anchetil Malory, was seised of lands the 16 Edw. I.,§§ which Sarra had a son Henry, who the same year made proof ||| of his age.

§§ Ibid. 16 Edw. I. n. 13.

||| Ib. n. 75.

¶¶ Rot. Parl. Vol. I. p. 337-8. Of this name there was a Peter Mallore, who married Maud, widow of Elias Rabayne, and one of the daughters and co-heirs of Stephen de Bayeaux,¶¶ who was grandson of Ranulph de Bayeaux, by Margaret his wife, daughter and co-heir of Alan de Lincoln, a great baron in Lincolnshire. Bayeaux is also mentioned as a baron of some importance by Dugdale, but was never summoned to parliament.

MANNERS sive DE MANERIIS.—(3 Edw. II).

In 12 Hen. II., at the time of the assessment of aid, for the marriage of Maud, the king's daughter, it was certified * by the bishop of Ely, that

Eustace de Maneriis held two knight's fees of that bishoprick, in the county of Cambridge, which Eustace was progenitor to

Baldwin de Manneriis,^a who 19 Edw. I.,[†] obtained a charter for free warren in his demesne lands at Enhale and Fullborne, in the county of Cambridge, and at Kerbroche and Hengham, in Norfolk.

In 22 Edw. I., holding by knight's service, he had summons to attend the king at Portsmouth, with horse and arms, to accompany him into Gascony; and 25 Edw. I., had the like command to attend the king beyond the seas; and, 28 Edw. I., a similar summons,^b to be at Carlisle to march against the Scots. But these summonses were not any call to parliament, and, as such, no proof of a baronial rank: but a record[‡] nevertheless shows, that Baldwin de Maneriis, 3 Edw. II., had summons^c to a parliament, to be then holden at York; in which writ his name is inserted among those of the earls and barons of the realm; viz. *cum cæteris proceribus et magnatibus, &c.*

But it is not a little singular that the meeting of this intended parliament was changed from York to Westminster, when, in the subsequent writ of summons, the name of Baldwin de Maneriis is omitted.[§]

With regard to the origin, or regular descent of this family, or whether it was in any way related to that of the house of Rutland, nothing is certain. The History of the county of Norfolk states,^{||} that Robert, lord Morley, of Hingham, was heir to Baldwin de Maneriis, but by what means is silent. In another place, the same history recites,[¶] that, in the time of king Richard I., a

William Manners held Woodhall, in that county, of William de Munchensi, by the service of one knight's fee; which lands were afterwards holden by Walter de Manners, then by William de Manners, who was of age in 1256 (41 Hen. III.), and lastly, by Baldwin de Manners, anno 1290 (18 Edw. I.), who sold Woodhall, together with Fullborne, in Cambridgeshire, to Robert Botetourt.

^a In the Tournament at Stebenhithe (Stepney) the 2 Edw. II. the name of Sir Baudewyn de Maners is noticed as one of the Tilters, and bearing for arms, viz.; *Arg., a Saltire engrailed, Sab.*

^b Collins, in his *Peerage*, recites these several summonses upon the authority of Rymer's *Fœdera*, and a MS., in the library of Mr. Anstis. It however is to be observed, that the name, neither of Baldwin de Maneriis, nor of any other de Manneriis, or Manners, is noticed in Dugdale's *Lists of Summons*, for the years above mentioned.

^c While Collins has quoted the writs of Summons before observed, it is worthy of remark, that he has passed over this most material writ of convocation to parliament.

* Hearne's Lib. Nig. V. I. p. 248.

† Cha. Rot. 19 Edw. I. n. 37.

‡ Cla. Rot. 3 Edw. II. in Dors. m. 17.

§ Ibid. in Dors. m. 16.

|| Hist. Co. Norf. V. IV. p. 97. Forehoe. ¶ Ibid. Vol. IX. p. 25. Wayland.

MAREYS.—(35 Edw. III.)

* Dug. Lists
of Sum.

Stephen de Mareys, 35 Edw. III., was one of those who, having lands in Ireland, was summoned,* with the heirs of Camville, by writ addressed to the sheriff of Nottingham and Derby, to attend a great council, then appointed to be holden at Westminster, to take into consideration the affairs of that kingdom.

† Rot. Pat. 16
Edw. III. m.
3, pars. 2.

This Stephen was a person of considerable eminence, both in England and Ireland, and possessed a large inheritance in the two kingdoms, but especially in the latter; where, to augment his territory, 16 Edw. III.,† he made an exchange of his lands in Somersetshire with the prior of Bath, for his lands in Ireland. He died without issue 47 Edw. III., leaving the earl of Ormond his heir, as hereafter noticed. Of this name (said to be assumed from the Marshes of the isle of Ely),^a was

‡ Hearne's
Lib. Nig. Scacc
Vol. I. p. 249,
Cantab.

Stephen de Marisco (Mareys, or Marsh), who, 12 Hen. II., upon the assessment of aid for the marriage of Maud, the king's daughter, was certified‡ by the bishop of Ely to hold of him half a knight's fee.

§ Rot. Pat. 17
Joh. m. 19, n.
84, and 86.
|| Ibid. 10.

Geffery de Marisco, in the time of king John§ and Henry III.,|| was several times appointed to the office of justice of Ireland, in which kingdom he possessed very considerable estates.

Hen. III. m. 3.
n. 2. and 5.

Richard de Marisco, was cotemporary with Geffery. He was, first, archdeacon of Richmond,¶ and afterwards chancellor of the Kingdom.** He was also bishop of Durham,†† anno 1213 (3 Hen. III.), and continued in that see many years. He was considered one of king John's evil counsellors.‡‡

¶ Pat. 15 Jo.
m. 8, n. 23.

** Ibid. 16 &
17 Joh. m. 2
and 16.

†† Matt. Par.
p. 255, l. 63.

‡‡ Ibid. p. 94,
l. 30.

§§ Rot. Pat.
18 Joh. m. 12,
n. 117.

|| Rot. Pat.
18 Hen. III.
m. 8 n. 3.

¶ Matt. Par.
p. 401, l. 41.

*† Ibid. p.
517, l. 63.

*† Ibid. p. 518,
l. 40, et seq.

William de Marisco was also cotemporary with Richard, and 18th of John, had a patent§§ for the manor of Brampton, in the county of Devon; and also by the name of *William, the son of Jordan de Marisco*, had a grant||| of the island of Lunday.^b But Matthew Paris calls him,¶¶ the son of *Geffery de Marisco*, and represents him to have contrived the assassination of Henry III., anno 1238; in which attempt his agents having failed, he became proscribed, and was afterwards guilty of great depredations and piracies at the island of Lunday,*† where he collected together a great band of exiles and robbers. He was however, at length, made prisoner, with divers of his accomplices, and underwent an ignominious death,*† anno 1242. (26 Hen. III.)

^a In Debrett's Peerage, and Playfair's Irish Baronetage, is a very laboured account, under the title of Mountmorres; in which it is endeavoured to be shown, that this family is derived from the illustrious house of Montmorency, in France, and that it is now represented in the male line by the present possessor of the Mountmorres' Irish Peerage.

^b Collinson, in his history of the county of Somerset, recites the following inscription, in St. Peter's Church, at Bath, viz. "Hic jacet Alexander de Alneto, et Erneburga, uxor ejus, et Gulius filius eorum et Lucia de Marisci filia eorum; et Jordanus de Mariscis filius ejusdem Lucie. Et Willielmus de Mariscis filius ejusdem Jordani."

N.B.—Vide Rot. Parl. v. i. p. 466.—Xtian Marays, heir of Walter her brother, petitioned for lands, in Kildare, and elsewhere in Ireland.

After his death another William de Marisco (his son very likely), had a grant * of the before-mentioned island of Lundy, and died seised thereof, with divers lands in the kingdom of Ireland, and in the county of Somerset, about the 12 Edw. I.; † in which year,

John de Marisco, son and heir of the said William, had livery ‡ of his inheritance. This John had issue Herbert, *father* of Stephen de Marisco, before mentioned, as Vincent asserts; § but, according to the record, *brother* of the said Stephen de Mareys; *viz.*

* Char. Pat.
0 Edw. I. n.
21.
† Esch. 12
Edw. I. n. 23
‡ Original. 12
Edw. I. Rot.
10.
§ MS. Vocat.
Vincent Quid
Non. in Coll.
Arm.

Esch. 22 Ric. II.

“Inquisitio in com. Som. 18 die Martii, anno 22 Richardi 2^d. post mortem Johannis Friset, chevalier, &c. Jurat’ dicunt q^d quidem Thomas Salampton, cler. et alii seisit, de maner’ de Hemsill-Mareis dederunt maner’ predict’ Stephano de Mareis, milit’ et Letic’ uxori ejus, habend’ eis ad vitam, remanere Johanni Friset, chevalier & hæred’ mascul’ de corpore suo, remanere rectis hæred’ ipsius Stephani: & Johannis Friset obiit sine hæred’ masculis de corpore suo, et quod Jacobus de Boteler, nunc comes de Ormond’ est consanguineus Stephani, et rectus hæres ejus propinquior; *viz.* filius Jacobi, fil. Jacobi fil. Edmundi, filius Theobald, filius Theobald, filius Theobald, filius Joan sororis Johannis Mareis, patris Hereberti, fratris prædicti Stephen, de integro sanguine, et quod dictus Jacobus, nunc comes de Ormonds, et ætatis 39^o et amplius, &c.”

MOHAUT, OR MONTE-ALTO.—(1 Edw. III.)

Henry de Monte-Alto, is noticed in 1 Edw. III., as one of those persons who had summons || then to attend, *equis et armis*, at Newcastle-upon-Tyne, which was a summons of service, for an expedition into Scotland, but not a summons to parliament, *ad deliberandum*, &c., though his name is included among the barons.

|| Dug. Lists of
Summ. p. 140

Excepting at this crisis, the name of Henry de Monte-Alto, does not occur upon any public occasion, nor is it mentioned who he was, or from what line of the baronial house of Montalt, or Monte-Alto, he was descended.

In Dugdale’s Monasticon, ¶ the name of Simon de Mohaut occurs as a benefactor to the priory of Pomfret. This Simon, by Matilda his wife, had issue Simon, Robert, and Henry: but who Simon was is not noticed.

¶ Vol. I. p. 657.

SIMON MORTIMER.—(24 Edw. I.)

In Dugdale’s Lists of Summons to Parliament, the name of Simon de Mortimer, is inserted ** as one of those who had summons among the barons of the realm, to attend a

** Dug. Lists
of Sum. p. 14.

parliament at St. Edmundsbury, upon the morrow of All-Souls, 24 Edw. I.; but of this Simon, the said celebrated author makes no mention in his account of the Mortimer family. From the contemporaneousness of date, it may be presumed

* Dug. Bar.
Vol. I. p. 142-3

Simon de Mortimer was a younger son of Roger, lord Mortimer, of Wigmore, by Maud his wife,* daughter of William de Broase, of Brecknock.

Of this name also was Roger Mortimer, who, the 28 Edw. I. was summoned to Parliament; and in the 29th of Edw. I., in the parliament at Lincoln, subscribed the celebrated letter to the Pope, touching the king's supremacy over the realm of Scotland; on which occasion he is designated "*Rogus de Mortuomari, Dñs de Penkellyn.*" But by this description there is no mention of him in Dugdale's Baronage.

† Dug. Lists
of Sum.

Contemporary with Simon was Sir Waleran Mortimer, who, 24 Edw. I., was one of those who had summons † to attend at Newcastle-upon-Tyne, furnished with horse and arms, to march against the Scots; but on this occasion, though denominated *Dominus Walranus de Mortuomari*, he had not summons as a baron to the council then convened.

‡ Original. 18
Edw. II. Rot.
16. Sumers.
§ Ibid.

This Waleran had issue a son, ‡

Ralph Mortimer, who deceased about 18 Edw. II., § being seised of a fourth part of a knight's fee in Exton, holden of the crown, as of the honour of Huntingdon, and of certain lands and tenements in Wylesthorp, holden of Thomas, lord Wake, of Lydell, by military service,—Ralph his son and heir being then || thirteen years of age.

|| Ibid. 19
Edw. II. Rot.
3.

MORTEYN.—(24 Edw. I.)

¶ Chau. Rot.
24 Edw. I. in
Dorso. m. 12.

John de Morteyn, 24 Edw. I., was one of those who, in the character of a baron, had summons ¶ to attend the king at Newcastle-upon-Tyne, to a great council there to be holden; but on no other occasion is noticed in the same capacity.

The family of Morteyn was of great consideration, in point of landed estate, from a period of very early antiquity, and intermarried with the heiresses of several eminent baronial houses.

** Dorm. and
Ext. Bar. Vol. I.

A William Mortein, married Joane eldest daughter, and co-heir of Philip, lord Marmyn, of Scrivelsby, in Lincolnshire; which lady died without issue 23 Edw. I.**

†† Collin's
Parl. Proc. p.
385.

Roger Mortyne married a daughter of Sir William Rufus, knight, by Isabel his wife, the youngest daughter and co-heiress of Gilbert Archer, called, by Collins†† baron of Grove, near Retford, in the county of Nottingham, in the time of king John; by whom, the said Roger had issue William Mortyne or Morteyne, considered to be the same, who married Joane Marmyn.

But the Morteynes, nevertheless, were not esteemed (although they possessed some baronial lands), parliamentary barons of the realm.

MORVILLE.—(13 Edw. II.)

The name of this family is included by Dugdale* in his Baronage; but that author has not mentioned any thing therein of

* Dug. Bar.
Vol. I.

Nicholas de Morville, who, 13 Edw. II.,† had summons among the barons of the realm to attend a parliament, convened to meet at York, in eight days of St. Hilary next ensuing the date of the writ, which was tested at York on the 6th day of November, in the year aforesaid; as also in the following year; viz. the 14 Edw. II.‡ had the like summons to attend a parliament, to be holden at Westminster, in eight days of St. Michael, next ensuing the date of the writ, which was the 5th of August; but never after had any further summons

† Dug. Lists
of Summ.

‡ Ibid.

MUNCY.—(26 Edw. I.)

Walter de Muncy, 28 Edw. I.,§ had a charter for free-warren in his demesne lands at Thornton, juxta Skipton, Everby, and Kelebroke, in the county of York. From the frequency of his name in the writs of summons of his time, he must have been a person of great eminence. In 29 Edw. I.|| he was one of those barons who, in the parliament at Lincoln, subscribed that memorable letter which was addressed to the pope, asserting the king's supremacy over the realm of Scotland; on which occasion he was denominated "*Dominus de Thornton*."

§ Char. Rot.
28 Edw. I. n.
33.

|| Dug. Lists
of Summ.

Moreover, he had summons to parliament from the 26th to 35 Edw. I.,* both inclusive; ¶ which, if a writ of summons be creative of a personal and descendable honour, may, by the repetition of the writ upon so many occasions, be considered to have rendered this person a peer of the realm, with a right of succession to the barony, vested in his posterity.

¶ Ibid.

In 1 Edw. II. the name of Walter de Muncy occurs, as having then** the castle of Framlyngham committed to his custody. Shortly after, when he died, as the king's escheator,†† in 2 Edw. II., had command to take into his hands the lands whereof Walter de Muncy had died seised.

** Original.
Edw. II. Rot.
11. Notts.
†† Ibid. 2 Edw.
II. Rot. II.

This Walter was at the famous seige of Carlevyrock, in the time of Edward I., where he is mentioned in the roll of those who were then marshalled, as having his banner chequered, Gules and Argent. His heir was probably a female, married to Goushall, who had two daughters, who were his co-heirs; whereof Margaret married, first, ——— Dispenser, and had a son, Philip Dispenser ‡‡ and secondly, John de Roos, a younger son^b of William, lord Roos, or Ros, of Hamlake, who died without issue by her, 12 Edw.

‡‡ Esch. 22
Edw. III. n.
78. acc. nos.

* His name being included in this writ, he may be presumed to have been present in the parliament; as those who were not, had their absence particularly excused for reasons therein mentioned,—and to his is the mark *Nic* as indicating he was then present.

^b In Whitaker's History of Craven, p. 94, it is stated that Thornton was of the Percy fee; and that the 9 Edw. II., John de Ros was seised of that manor in right of Margaret, his wife, and died the 11 Edw. III., s. p.—The inquisition was taken the 12 Edw. III.

* Esch. 12
Edw. III. n.
41.
† Ibid. 22
Edw. III. n.
72. sec. nos.
‡ Original. 39
Edw. III. Rot
7.

III., * leaving her, the said Margaret, surviving, who deceased about 22 Edw. III.† Isabel, sister of Margaret, appears afterwards, to have been found her heir, and wife of Durand Bard."‡

Of this name was John, son of Ingelram, de Monceaux, of Barmston, in the county of York, whose heir-general Margaret, married Brian at See; whose co-heirs-general married Boynton, and Hyldyard, of Yorkshire.

Le Seign' de Moneaux is mentioned in the roll of Battle Abbey among those who came over with the conqueror.

Alan de Monceaux had Barmston at a very early period, as appears in Burton's Monasticon of Yorkshire; but the name of *Walter de Muncy*, is not noticed in the pedigree of this family.

NODARIIS.—(24 EDW. I.)

§ Domesd.

Robert de Nodariis, or Nowers, at the time of the general survey,§ held Gothurst, or Gahurst, in the county of Bucks; which manor,

|| Ibid. Feod.
Vol. I. p. 157.

Almarick de Nodariis is certified to hold|| by the service of one knight's fee of William de Say, in the time of Henry III., (being as it may be presumed) the same knight's fee, which Walter Giffard, earl of Buckingham, 12 Hen II., then certified¶ that Hugh de Nuers held of him in that county.

¶ Hearne's
Lib. Nig. Scacc
Vol. I. p. 189.
** Ex. MS.
Browne, Wil-
lis, Arm.

This Almarick** married Sibyl, daughter of Ralph Picot, and had issue

William de Nodariis, who, by Isabella, daughter and co-heir to Peter Goldington, obtained in marriage the manor of Stoke Goldington, which thenceforth descended to his posterity.

†† Dug. Lists
of Summ.

Almarick de Nodariis succeeded his father, and, 24 Edw. I., was one of those eminent persons who had summons†† to attend the great council then ordained to assemble at Newcastle-upon-Tyne. In the year following, his name is mentioned as *one of the knights of the shire* for the county of Bucks, †† being then written *Amary de Nowers*. He died 2 Edw. II.,§§ at which time he was seised of the manors of Gothurst, Weston, and Stoke Goldington, in Buckinghamshire, and of Cestre Parva, in the county of Northampton. Joan, his wife survived him, who died shortly after, 4 Edw. II.,||| being then seised of the manor of Lathebury, and of a part of the manor of Kainho, in the county of Bucks.

‡‡ Willis's
Notitia Parl.
§§ Esch. 2 Edw.
II. n. 70.

||| Ibid. 4
Edw. II. n. 16.

¶¶ Original. 2
Edw. II. Rot.
2, Bucks.
*† Esch. 23
Edw. III. n.
85, p. 1.
*† Ibid. 1 Edw.
III. n. 69.

John de Nodariis, or Nowers, upon his father's death, had livery of his inheritance.¶¶ He married Grace, daughter*† and heir of Robert Fitz-Neale, or Nigel,* lord of Salden, in the county of Bedford; and died about 1 Edw. III.,*† at which time he was possessed of the same manors in the counties of Bucks and Northampton, as his father had holden.

* This family was of ancient degree; whereof Richard Fitz-Nigel, of Buckinghamshire, 12 Hen. II., on the assessment of aid for the marriage of Maud, the king's daughter, certified that he held one knight's fee and a half, de veteri feoffamento; (*Hearne's Lib. Nig. Scacc. Vol. I., p. 196.*) of which, Walter, his brother, had one moiety, and he himself held the other.

Grace, his wife, survived him, who died 23 Edw. III.,* being then seised of Salden and Luyton, in Bedfordshire, and of Gothurst, Stoke, &c. They had issue several sons; † viz. John, Robert, Almarick, and William; of these

John Nowers, died about 1340 (14 Edw. III.), before his mother, having had issue by Maud, ‡ or Margaret, his wife, a son John; which

John Nowers controverted § the right of presentation of Stoke Goldington with the prior of Ravenston, in 1376, and had judgment given in his favour. He died in 1396 (20 Ric. II.), having had issue by Alice his wife, who survived him, and died in 1427, several children, whereof

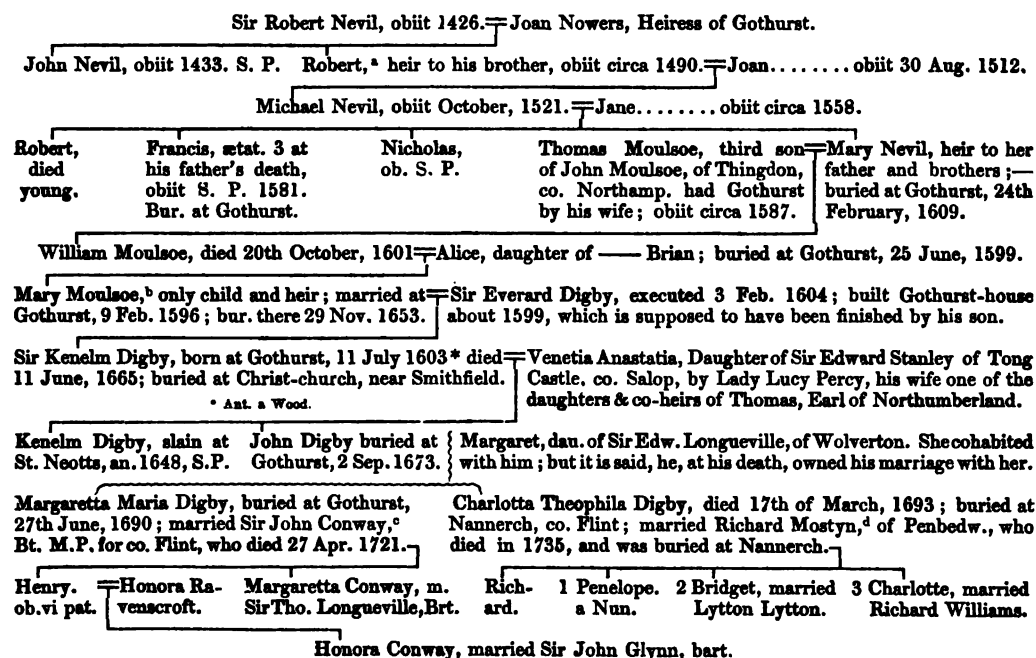
Almarick Nowers^b died in 1408, without issue. Agnes and Grace died nuns; and Joan Nowers became heir to her father, and brother; she married Sir Robert Neville, who had Gothurst in her right, and died possessed thereof in 1426, leaving issue; in whose heirs-general (if legitimate), || is vested the representation not only of Almarick de Nodariis, who flourished temp. Edward I., but of the co-heirship of the ancient barony of Albini, of Cainho; together with that of the old and famous barony of Percy.

* Esch. 23 Edw. III. n. 85, p. 1.
† Ex. MSS. Browne, Willis, Arm.

‡ Ibid.

§ Ibid.

|| Vide Tab. Genealog.



^a According to the great illuminated Pedigree Book of the Digby family, this Robert had issue a son Robert, who, by Joan or Joanna his wife was father of Michael.

^b According to the said Digby Pedigree Book, p. 10 and p. 30. She was daughter and heir of William Mulsho, son and heir of another William by Alice his wife, *Nepotis* of Sir Francis Bryan, which William was son and heir of Thomas Mulsho by Mary (or Maria) daughter and heir of Michael Nevil.

^c & ^d Sir John Conway and Richard Mostyn, Esq. joined in the sale of Gothurst and Stoke Goldington, in 1704, to George Wright, Esq., eldest son of Sir Nathan Wright, the Lord-Keeper.

^a Vide Harl. MSS., No. 364.—Pedigree of Nele, Mulshoe, Nevill, Nowers, &c., fol. 42.

ODINGSSELLES.—(45 HEN. III.)

This preeminent family is totally unnoticed by Dugdale in his *Baronage*, though by reason of its high baronial descent, it might have deserved some mention, as well as others who of far inferior note are narrated by him, and were also never summoned to parliament after the reign of Hen. III.; if they were at any time of sufficient consequence to be denominated barons. In the *Antiquities of Warwickshire*, Dugdale has however given an account of the family.*

* *Antiq. War.*
p. 249.

Ralph de Limesi, the Conqueror's sister's son, (as he is called), besides forty-one lordships which at the general survey he held in divers counties, enjoyed the lands of Christiana,^a one of the sisters of Edgar Atheling, by marriage, (as some affirm, and according to others by gift of the Conqueror), among which was Ulverly in the county of Warwick, which he made his principal seat. His great-grandson

† *Monast.*
Anglican.

Gerard de Limesi married Amy, or Amicia,† daughter of Halenade de Bidun, a great feudal baron in the time of Hen. I., and eventually one of his co-heirs; by whom he had issue a son John, and two daughters; John, the son, had a son Hugh, who dying s. p., his two aunts were his co-heirs: of these Basilia married Hugh de Odingselles, a Fleming; and Alianora the other, married David de Lindsay, a Scot.

‡ *Vide Tab.*
Gen.

Hugh de Odingselles, by Basilia de Limesi his wife, had several sons,‡ whereof William de Odingsells died 1249, leaving by Joan his wife, a son also named William, which

§ *Claus. Rot.*
45, Hen. III.
m. 3, dorso.

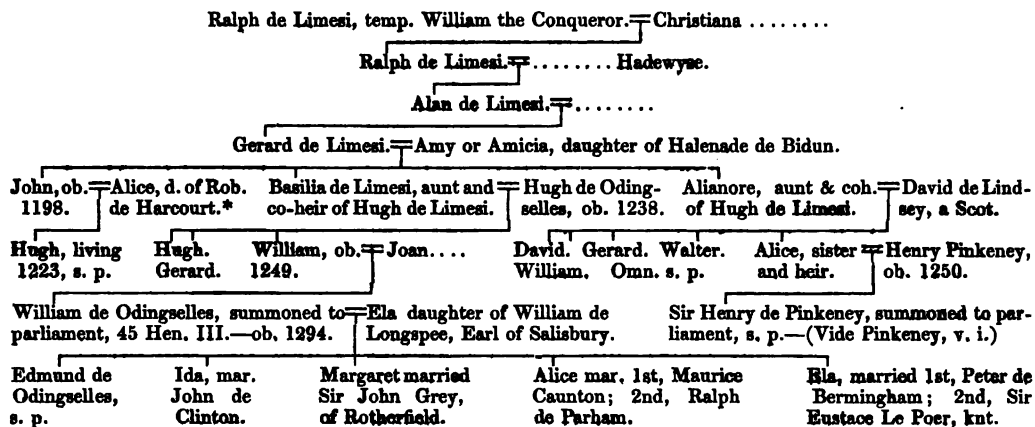
William de Odingselles married Ela, daughter of William Longspee, earl of Salisbury, a marriage which shews that he was personally considered among the most eminent men of his day. In the 45th of Hen. III., he was summoned to the parliament then convened by the king's writ to meet in London;§ but he died in 1294, the 22nd of Edward I., before any regular series of parliamentary writs is to be found among the public records; a circumstance which may have been the ground for which Dugdale omitted mention of the family in his *Baronagium History*; yet, as that author did notice therein, David de Lindsey, who married Alianore, sister to Basilia the wife of Hugh de Odingselles, which Basilia, and Alianore, were the co-heirs of Gerard de Limesi, named as a feudal baron of the first degree.^b Odingselles was as worthy of commemoration as Lindsay.

This William de Odingselles, by Ela his wife had a son Edmund, who died s. p., and four daughters, whereof Ida married John de Clinton, ancestor of the earls of Lincoln of that name. Margaret married Sir John Grey, of Rotherfield; Alice married, first,

^a He was right heir to the Throne, when the Conqueror, by the battle of Hastings, overcame Harold the usurper, and obtained the kingdom over which his descendants continue to rule.

^b By the Articles of Magna Charta, the Barons had conceded to them the right of being summoned to parliament for the assessment of aids. These Barons were the great tenants in capite of the king. Limesi was of that class; the right of summons was attached to the possession of his baronial lands by his heirs.

Maurice Caunton, and secondly, Ralph de Parham; Alianore married, first, Peter de Bermingham, and secondly, Sir Eustace le Poer, knight.



* This Alice, after the death of John de Limesi, married Waleran, Earl of Warwick.

PABENHAM.—(24 Edw. I.)

John de Pabenham, in the time of Henry III., held* half a knights' fee in Hynewyk, and Pabenham, of Bedfordshire, of the barony of Beauchamp of Bedford, and died seised of the said lands, as also of others at Carlton and Welden, in the county of Bedford, about the 53 Hen. III.,† After when, another

* Lib. Feod. Vol. II. p. 174.

John de Pabenham held the same lands, who with his son, another John, by the name of John Pabenham, senior and junior, had summons to attend the coronation of Edward II.

† Esch. 53 Hen. III. n. 5.

John de Pabenham, junior, by that distinction, 24 Edw. I., had summons‡ in the character of a baron, to attend the king at Newcastle-upon-Tyne; but after when, his name is not contained in any writs of a similar nature, though the family for a long period afterwards continued to flourish in the possession of their lands at Pabenham, and to have a confirmation of the privilege of free-warren in the same.§ Of this name,

‡ Dag. Lists of Summ.

Laurence de Pabenham married Elizabeth, one of the three sisters and co-heiresses of Thomas de Engaine, and had partition of his inheritance accordingly;|| which Laurence left an heir-female, as, under the article of Engaine, is more fully set forth in the first volume of this work.

§ Pat. Rot. 38 Edw. III. m. 46.

|| Original. 42 Edw. III. Rot 2 and 4.

LAWRENCE PAVILLY, OR PAVELEY.—(24 Edw. I.)

This family is supposed to have been of Norman extraction,^a and became divided into several branches, which were seised at an early period, of lands in the counties of Nottingham,^{*} Northampton,[†] Somerset,[‡] and Wiltshire.[§] Of one of these branches there is a pedigree given by Bridges in his History^{||} of Northamptonshire; and of another there is a pedigree in Thoroton's History of Nottinghamshire,[¶] of the Nottinghamshire line.

* Lib. Feod.
Vol. I. p. 61.
et alibi.
† Ibid. p. 26
et alibi.
‡ Ibid. p. 733
et alibi.
§ Ibid. p. 657
et alibi.
|| Vol. I. p. 597.
¶ Vol. I. p. 124.
** Each. 35
Hen. III. n. 50

Robert de Paveley lived in the time of Richard I. and king John, and by Maud, his wife, had issue another

Robert de Paveley, who deceased about 35 Hen. III.,^{**} being then seised of lands at Piry and Houghton, &c., in the county of Northampton, and leaving by Muriel his wife, a son^b

†† Ibid. 16
Edw. I. n. 35.
‡‡ Original. 27
Edw. I. Rot.
18.
§§ Madox's
Baron Ang. p.
215.

Robert, who was then about thirty-three years old, and died 16 Edw. I.,^{††} having had issue by Sarah his wife, who survived him,^{‡‡} a son

|| Ibid.
¶¶ Dugd. Lis.
of Summ.

Lawrence Paveley, who, 4 Edw. I.,^{§§} on a general proffer of services to the king, taken at Twedemouth, on Thursday next after the Nativity of St. Mary, acknowledged and offered the service of one knight's fee in the county of Northampton, to be performed^{|||} by Pauline Paveley and John Pyrie, with two horses well equipped. Furthermore, in the 24th of the same reign, he had summons^{¶¶} to attend the great council, then convened at Newcastle-upon-Tyne, upon the subject of an intended expedition against the Scots. He was dead before 1 Edw. III.: for in that year,^{*†} Lawrence de Paveley had a grant (or rather a confirmation) in fee of all his lands in Piry and Houghton, county of Northampton; Risly, county of Nottingham; and Winfield, county of Derby; which had been granted to Robert Paveley his ancestor, by William Peverel, to hold by the suit and service of one knight's fee.^c

*† Each. 20
Edw. III. n.
50.

Robert de Paveley, son of Lawrence, died circ. 20 Edw. III.,^{*†} having had issue several sons,^{*§} whereof

*§ Blore's
History of
South Wing-
field, p. 81.

Lawrence de Paveley, the eldest, was aged nineteen at his father's death, and deceased the 23 Edw. III.,^{*||} without issue; whereupon

*|| Each. 23
Edw. III. n.
71.

John de Paveley, his brother, aged fifteen, became his heir, who was afterwards a knight, and in the 3rd, 10th, and 13th Ric. II., sheriff of the county of Northampton, and died, as it seems, without issue male; for his heir-female, or one of his heirs female, married into the family of St. John,^{*¶} and carried with her a very considerable inheritance.

*¶ Vide Col.
Peerage. St.
John Family.

^a The Liber Feodorum, (Vol. II. p. 365. Norf.) thus recites; viz. "Thom' de Pavely, Norm' tenuit Scullethorpe, et medietate de Schilberh'd et Will. comes Warenn tenz terra illam et valet xxxli."

^b The Pavelys were a very numerous family, and greatly divided, which renders a connected account most difficult to give with any accuracy to be depended upon.

^c Vide Rot. Parl. Vol. II. p. 43. A.D. 1330. (4 Edw. III.) Nos. 58, 59.

In Madox's Exchequer,* it is stated, that Joan, wife of John Chidioc and Ela de Bradeston, were daughters and co-heirs of Alice, one of the daughters and heirs of a John de Paveley, of Westbury, in Wiltshire. Madox's statement is thus confirmed, viz. Johanna ux. Joh Chedyok, Chiv' et Ela de Bradeston, fil' et hæred' Johannis de Sancto Laudo Chiv' et Aliciæ, nup. ux. suæ unius filiar' et hæred' Johannis Paveley.—Partitio terf Westbury et Henedynghull, in Wilts.—*Inq. 49 Edw. III., n. 13,—Appendix p. 455.*

WALTER PAVILLY, OR PAVELEY.—(24 EDW. I.)

Walter de Pavely, in the time of Hen. III., held one knight's fee of the king in capite, in Broke, in the county of Wilts; and also one knight's fee in Westbury and Chippenham, in the same county.† In the 36 Hen. III., he held a license‡ for free-warren in his demesne lands at Westbury, and shortly afterwards deceased, about the fortieth ‡ of the same reign.

Reginald Paveley, his successor, 45 Hen. III.,§ was summoned in the character of a baron to attend the king on urgent affairs, as well affecting the state of the nation, as the king's crown and government; and 47 Hen. III. he had the like summons to attend at Chester, upon an expedition proposed to be made into Wales. He deceased about 8 Edw. I.,|| and was succeeded by

Walter de Paveley, who imports to be the person summoned the 24 Edw. I., in the capacity of a baron, to attend the king at Newcastle-upon-Tyne.**

After him, another Walter de Pavely is noticed, as a very eminent soldier in the martial reign of Edward III., at which period he was one of the knights of the Garter.*

The line of this family seems to have terminated in an heir-female, married to Cheney, by whose heir-general married to Willoughby, (a younger branch of Willoughby of Eresby), the manor of Broke, or Brooke, was acquired to that family; whereof Sir Robert Willoughby, a great and expert soldier, was summoned to parliament in the reign of Henry VII., as a baron of the realm, by the title of Willoughby de Broke.

PAINELL, OF DRAX.

The account given by Dugdale of this family is very confused, with respect to the relative connexion of the several branches. In his Baronage he states that Hugh, a younger son of William Painell, and Julian de Bahuntune, his wife, in the 9th of king

* Walter de Pavely, the 20th Edward III. held in Winterborne, St. Martin in Com. Dors. half a knight's fee, which Reginald Pavely formerly held; and the 40th Edward III., Walter de Pavely held at his death, several manors in the county of Wilts.

* p. 32 3.
† Lib. Feod.
p. 143.
‡ Rot. Char.
36 Hen. III.
m. 9.
§ Esch. 40
Hen. III. n. 41.

|| Clau. Rot.
45 Hen. III.
In Dorso. m. 3
¶ Esch. 8 Edw.
I n. 24.
** Dug. Lists
of Sum.

John, held six knights' fees belonging to his manor of Drax ; which king John gave him,^a and that he died the 28th of Hen. III., when Lettice, his wife, surviving, had livery of his lands in the counties of York and Lincoln, until his heir should be of full age ; and here ends Dugdale's history of this branch of the Painell family ; though in his antiquities of Warwickshire, he recites "that Sir John Painell, knight, had his principal seat at Drax, in Yorkshire, and had summons to parliament from the 28th Edw. I., to the 12th of Edw. II." and in the index to his Lists of Summons, one *John Painell* is described of *Drax*. But in the writs themselves, *no such additament* is given to the name : hence

It may be here questioned whether these writs of summons refer to this John, or to another John who seems to have been lord of Otteley ; for

PAYNEL OF OTTELEY.—(28 Edw. I.)

* Claus.
Dors. m. 17.
† Ad huc
eod. ann.

In the 28 of Edw. I., the name of John Painel is mentioned in the writ of summons to the parliament to be holden at London ;* and again in the writ of summons to the parliament at Lincoln ;† in which parliament the barons summoned, subscribed their names and seals to the famous letter then addressed to the pope ; and the name of John Painel is thus recited, viz. *Johannes Paynel dominus de Otteleye*. Thus if the writs were meant to refer to John of Drax, it would seem that *Otteleye*, and not *Drax*, was his barony, though he might possess both estates. This John Painel, whoever he was, appears to be the same person to whom all the writs in that name were directed, from the 28 of Edw. I., to the 12th of Edward II., inclusive,—which last mentioned parliament was prorogued in consequence of the invasion of the Scots ; and he was informed thereof.‡

‡ Palgrave's
Writs.

PAINEL OF TRACINGTON.—(32 Edw. I.)

§ Antiq. of
co. Warw.

Of this person Dugdale has totally omitted all notice in his Baronage ; unless he probably might mean the same individual of whom he has narrated,§ that the lord Camois, by a formal deed, assigned over to him his wife, who had departed from him, and lived in adultery with Sir William Paynel.

^a Saka de Drax, fuit Fulkonis Paynel Normann' et Hugo Paynel tenet eam de ballio D'ni. Reg. J. et Hugo presens fuit et cognovit qd. te't eam in escambio pro terra Normann' qua amittit, et valet iii. Libr'. per annum. et xii. Solid' et vixxi Gallinas et voc. ova.—(Lib. Feod. Vol. II. p. 652. Barkerston).

John Paynel de Drax.—*Esch.* 14 *Edw. I.*, No. 51., and 15 *Edw. I.*, No. 27.

Philip Paynel, had Drax.—*Esch.* 27 *Edw. I.* No. 51. Probatio etatis 19 *Edw. I.* No. 104.

Ralph Paynel, Dom'. de Drax.—*Esch.* 34 *Edw. I.*, No. 82.

Although not summoned to the parliament at Lincoln the 29 Edw. I., the name of William Paynel appears among others not summoned, who nevertheless affixed their seals to the letter then written by the barons to the pope, being designated *Will^{us} Paynel, (de Tracington)*; after this, the name of William Paynel is included in the writs of summons of the 32 Edw. I., and from the 2nd, to the 9th of Edw. II., being in the writ of the 5th, styled *a baron*. He died, according to Dugdale, in the following year, the 10 Edw. II., leaving John his brother and heir, *ætat* 50 et amplius; which John, the 10th of Edw. II., doing his homage, had livery of his lands, saving the dowry of Ela* de St. John, widow of the said William. After this, the same John obtained the king's charter for a weekly market at his manor of Littleton-Painell, in Wiltshire, and died the same year, (12 Edw. II.), leaving Maud his daughter and heir, then thirty years of age, who is said to have married Nicholas de Upton. From these statements it may reasonably be inferred, that William Paynel of Tracington, and John Paynel of Otteley were brothers.

Hutchins, in his history of Dorsetshire,† asserts, that the 50 Hen. III., the manor of Ramesham belonged to Adam de Periton,* whose heirs were William de Kaynes, son of Margaret de Periton; Isabella, who was the wife of Robert de Welles; and Catherine, wife of John Painel; which last had the said manor, the 25 Edw. I.; Catherine held the same of Thomas de Gardino, who was the mesne lord between her and the king,—John, her son and heir, *ætat* 25.‡

† V. i. p. 521.
Old Edit.

The 27 Edw. I.,§ Philip Painel held it of the same Thomas, by service of one knight's fee,—John his son and heir *ætat* 2, the 18 Edw. II. John Painel, at his death, held lands in the county of York; and, Elizabeth his mother held the said manor of Ramesham in dower. Elizabeth Painel, whom Richard son of John de Gastrich had married before the death of John Painel, and Margery her sister, who married John Poucher, were the daughters and heirs of John Painel. But in this statement the assertion by Mr. Hutchins, that Richard de Gastrich had been married to Elizabeth Painel long before her father's death, admits of great doubt; for if he was only two years old the 27 Edw. I., and died the 18 Edw. II., a period not exceeding 27 years, he must have married at a very early age, to have had a daughter capable of being wedded long before his decease.

‡ Esch.

§ Esch.
27 Edw. I.
No. 51.

Under this observation, it may be inferred, that the said Elizabeth and Margaret were the daughters, and eventually heirs of John Paynel, the father of Philip, for, in Burton's Monasticon of Yorkshire, it is mentioned,|| that Richard de Gastrich and Elizabeth his wife confirmed to the prior and convent of Drax, all the lands which the ancestors of the said Elizabeth, had given to them in Drax Soken.

|| Burton,
p. 103.

Indeed, the various accounts of the Paynel family, either by Dugdale, or the county historians of places where they held lands, are so contradictory to each other, that to

* This Adam de Periton was summoned to the parliament convened to meet in London the 45 Hen. III.—Vide Claus. 45 Hen. III., Dorset. mem. 3. He was lord of Oxhill, in co. Warw.

endeavour to reconcile them to any degree of correctness, would require more consumption of time, and expense in the investigation of public records, than would compensate any author for the undertaking.

PAYVRE OR PEVRE.—(22 EDW. I.)

This family descended from Roger, the great bishop of Salisbury, in the time of king Stephen, who by Maud de Ramsbury, *his harlot*, had a son,* called Roger de Paupere Censu; whose descendant,

* Kennet's
Paroch. Antiq.

Pauline Payvre, Pevre, or Piper, flourished in the reign of Henry III.; when he first came to court, he was, as Matthew Paris observes,† a person who had not above two carucates of land, but in a short time acquired a multitude of manors, with an immense revenue, so that he was almost equal to the first of the nobility, in point of greatness and opulence. His principal seat was at Tuddington, in Bedfordshire, where he erected‡ a mansion, with such palace-like grandeur—such a chapel—such lodgings,—with other houses of stone, covered with lead,—and surrounded the same with such avenues and parks,—that it excited the astonishment of the beholders.

† Math.
Par. p. 709.

‡ Ibid.

§ Ibid. p. 544.

|| Ibid. p. 709.

¶ Lib. Feod.
Nev. vol. ii.
851.

** Ibid.

†† Mat. Par.

p. 709.

‡‡ Mag. Brit.

v. i. p. 143.

Bedf.

§§ Dug. Lists
of Summ.

|| Ibid.

¶¶ Ibid.

This eminent courtier was sewer to Henry III.,§ and one of his principal counsellors. He died in 1251,|| when his body was interred in London, and his heart carried to Tuddington. His wife^a surviving him, re-married with Sir John Grey,¶ knight, who thereupon became** the inhabitant of those noble edifices and domains, which, as yet, were scarcely completed.†† John Peyvre, son and heir of Pauline, was under age at the time of his father's death, and according to Lysons,‡‡ John, Lord Grey, who had wedded his mother, having purchased of the king his marriage, thereupon united him to his own daughter, at his manor of Water-Eaton, in Buckinghamshire.

This John became afterwards a person of great note, and may be concluded to be the same who, 22 Edw. I., had summons§§ to that parliament which was then appointed to convene, but for which no place of assembling was declared. The like summons||| he had in 24 Edw. I., to attend a great council at Newcastle-upon-Tyne; as also,¶¶ in the 27th of the same reign, to the several parliaments appointed to meet at London and

^a She was named Annora, and was one of the sisters to Michael Belet, the king's butler (founder of Wrokeston priory). This lady carried to her husband Pauline Payvre, the inheritance of certain lands holden by the serjeancy of butlerage; viz. to hold the king's cup to the earls of Arundel, butlers of England, when the earl is to deliver it to the king. But this is to be understood of the then earls of Arundel, who were the Albini's, and held the lordships of Bokenham, Wymondham, &c., in Norfolk, by the service of being butlers to the king on the day of his coronation. But whether this lady Annora was his first or last wife, may be questioned: for Blome, in his history of Rutlandshire, states, (citing the Chronicle of Dunstable) that the name of Pauline Peyvre's widow was *Johanna*.

Westminster. But after this period, neither his name, nor that of any of his posterity, has place among the barons of the realm.

Thomas Peyvre,* the sixth in descent from Pauline Peyvre, by his wife, daughter and heir of Sir Nigel, or Nele Loring, had only female issue, whereof Mary, daughter and heir, married Sir John Broughton,^a whose daughter and co-heir, Anne, carried the manor of Tuddington, with other estates in marriage, to Sir Thomas Cheney, knight of the Garter; whose son Henry, was afterwards created lord Cheney, of Tuddington, anno 1572.

* Lyson's Mag. Brit. vol. I. p. 143 Bedf. etiam Morant's Ess. vol. 2. p. 355.

Lysons, in his *Magna Britania*,† states, that the parish church of Maids-Morton, in the county of Bucks, was built about the year 1450, by some of the Peyvre family, who possessed the advowson. The tradition is, that it was built by two maiden sisters daughters of the last heir-male of the Peyvre family; and that the village was from thence called *Maids-Morton*.

† Vol. I. p. 609. Bucks.

With respect to the office of Butlerage, to which allusion has been made before in an under note, it seems that the said serjeanty was attached to the tenure of certain lands; but that the office of butler to the king, was not limited to any service upon the coronation day, but was one granted as an hereditary one to Michael Belet and his heirs. For thus the record‡ recites, viz. :

Johannes Dei gratia, &c., Sciatis nos reddidisse et presenti charta confirmasse magistro Mich Beleth filio Michi Beleth, et hæreditis suis officium suum de Pincernova nostra et omnia alia jura ad p̄dict^o officium p̄t̄i cum om̄i p̄tinentiis suis habend^o et tenend^o de nobis et integre et honorifice sicut ipse Michael pater p̄dicti Mağri Mich vel aliquis antecessor suorum officium illud melius et liberius &c. habuit et tenuit concessimus etiam eid Mağro Mich et hæredibus suis omnes terras que fuerunt Hervie Beleth avi ejus de cujuscunq feodo fuerunt.

‡ Rot. Pat. apud Marlbro' 7 Joh.

PECHE.—(14 Edw. II.)

Robert Peché, in the 14 Edw. II., had summons to a parliament to be holden at Westminster, but of this Robert, Sir William Dugdale does not take any notice in his *Baronage*, though he includes the name in his *Lists of Summons*. Who he was is thus left unexplained. Hamon Peché who died 25 Hen. III., is stated to have had issue Gilbert and five other sons, viz. Hamon, Hugh, Robert, Thomas and William.

^a This Sir John Broughton, in 1443, founded an hospital at Tuddington, in honour of St. John the Baptist, for three poor men, and a master or chaplain, who were to pray for the souls of Thomas Peyvre, and Margaret his wife and their ancestors.

Gilbert, the eldest, had summons to parliament the 45 Hen. III., and died circ. 19 Edw. I. But Robert, his third brother, could scarcely be the person here meant, for he must have been at least eighty years of age in the 14 Edw. II., a period of life not very likely for him to be first summoned to parliament. He most probably was a younger son of the aforesaid Gilbert.

PERROT.—(25 EDW. I.)

This name is of very eminent and ancient degree, being derived, according to the traditional account of the family, from

Sir Richard Perrot, seigneur de Perrot in Brittany, who came over with William the Conqueror, anno 1066,* and obtained some lands in Somersetshire, near the river Perrot. He had issue,

* Battle Abbey Roll.

Stephen Perrot, who is said to have married a Welsh lady, named Helen, daughter of Marchion, the son of Rhees, one of the princes of that country.

Andrew Perrot, son of Stephen, was lord of Istynson, and married Janet, a daughter of Ralph, lord Mortimer, by Gladuse his wife, daughter of Leweline, prince of Wales, and had issue William, father of Peter, who had two sons, Ralph and Stephen; whereof the former had summons to parliament, but died without issue, and Stephen continued the line.

But notwithstanding the confidence^a with which this descent is given in the printed Baronetage of Kimber and Johnson,† there is reason to look upon it as neither correct, in point of chronology, or identity of persons and marriages.

† Ed. 1771.

The name has been variously written,—as Perot, Pirot, Parrok, and Parret. The authentic record called The Black Book of the Exchequer, states‡ that

‡ Hearne's Lib. Nig. Scacc. vol. 1. p. 287. § Ibid. vol. 1. p. 202. Bedf.

Alan Pirot held six knights' fees under William de Albini, in Norfolk, and, that

Ralph *Pirot*, 12 Hen. II.,§ upon the assessment of aid for the marriage of Maud, the king's daughter, was named in the certificate of Robert de Albini, of Cainho, as holding of him five knights' fees; at which time also, a John Pirot similarly held one knight's fee in Bedfordshire.

^a The descent is taken from the pedigree, introduced by the following dedication; viz. "This pedigree of the noble and princely house of Perrot, descended from a numerous race of kings, monarchs of Britain, was collected from the British Annals, which will bear record of the truth, and that it is no fiction, to latest posterity. It is most humbly dedicated to the most noble and puissant prince, Sir James Perrot, marquis of Narbeth, earl and viscount Carew, and baron Perrot, by his lordship's poor, but most faithful servant, *Owen Griffiths*; who was wounded by his side in Carew Castle, 1650."

This pedigree so entitled, and declaratory of honours, which were never granted, one would imagine, was rather the fruit of a disordered mind, than the produce of a serious research and faithful representation.

In the certificate of the bishop of Ely,* at the same period, a Ralph Pirot is noticed as holding of him two knights' fees in the county of Cambridge; and in the certificate† of Henry Fitz-Gerald, on the same occasion, Ralph Pirot is mentioned as holding of him four knights' fees in Essex. Also, on the same occasion, a Ralph Pirott is certified ‡ by Geffery de Vere to hold of him four knights' fees.

* Hearne's Lib Nig. Scacc. Vol. I. p. 250. Cantab.
† Ib. p. 238, Essex.
‡ Ib. p. 146. Salop.

If these knights' fees, amounting in the aggregate to fifteen, were holden by one and the same person, they point him out as one of considerable estate and consequence. After him, another

Ralph *Pyrot* is recorded§ as holding, in the reign of Henry III., four knights' fees of the barony of Albini, of Cainho, in the counties of Bedford and Bucks; which knights' fees are then mentioned as in division|| between the said Ralph and the lady Isabella de Albini.^a At this time likewise, Ralph *Pirot* held¶ in Lindesel and Hakewell, in the counties of Essex and Hertford, two knights' fees; and also, the same number** in Cnolton and Ringleton, in Kent; making altogether eight knights' fees, but seven less than his ancestor seems to have possessed in the time of Henry II., in the counties and places aforesaid. This Ralph died, as it is likely, about 36 Hen. III., when he†† was seised of Lindesel, in Essex, and Sauston, in Cambridgeshire. He had several sons, as it is probable; whereof

§ Testa de Nev. vol. 1. p. 182.
|| Ibid. p. 182.
¶ Ibid. p. 244.
** Ibid. p. 15.

Robert *de la Parrok*, in the 52 and 53‡‡ Hen. III., had a license for a free warren, and a market and fair at *De la Parrok*, in Kent.

†† Each. 36 Hen. III. n. 37.

Henry *Pyrot*, 6 Edw. I., had committed§§ to his charge the custody of the county of Kent, to hold during the king's pleasure. And

‡‡ Cha. Rot. 52 & 53 Hen. III. n. 10 & 2.
§§ Original. 6 Edw. I. Rot. 7.

Simon *Perot*, 4 Edw. I., was one of those||| who, in the general proffer of knights' services, taken at Twedemouth, on Thursday after the Nativity of St. Mary, in the year aforesaid, tendered his service for two knights' fees holden in the counties of Essex and Cambridge.

||| Madox's Baron, Ang. p. 214.

Ralph *Perot* was successor to Simon, and, 24 Edw. I., had a writ of service, or rather summons¶¶ to attend, among others, at Newcastle-upon-Tyne, with horse and arms, to march against the Scots; and also in the following year had his name included among those of the earls and barons who, 25 Edw. I., had summons*† to attend a parliament appointed to be holden at Salisbury. He died about 33 Edw. I.,*† seised of the manors of *Sauston* and *Lyndesle*, for which manors, Simon, the son of the said Ralph, in the year*§ aforesaid, paid a fine of 20*l.* for license to enjoy them, having acquired them, or rather entered upon their possession, without the king's permission.

¶¶ Dug. Lists Sum.

*† Ibid.

*† Each. 33 Edw. I. n. 160.

*§ Original. 33 Edw. I. Rot. 14.

^a The Testa de Nevill, at this period, notices a William Pirot, as holding with William Faudho, one knight's fee in Pallekesbull, of the honour of Albini, of Cainho; which William was probably the heir of John, who held the knight's fee mentioned in the certificate of Robert de Albini, 12 Hen. II.

* Ex. Stem.
Fam. de Perrot.

Having thus given an account of that branch or family of Perrot, which appears to have been the one summoned to parliament in the time of Edward I., it may not be very irrelevant to return to the family genealogy, before mentioned; and therefrom to notice the line, which is stated to have been the progenitor to the famous Lord Deputy of Ireland. Of this race,* Stephen Perrot, lord of Istynston, married Mabel, daughter of ———Castle, of Castleton, in Pembrokeshire, and had issue John, father of Peter, who, by Alice, daughter and heir of Sir Richard Harold, of Haroldston, was ancestor to

† Mag. Brit

Sir Thomas Perrot, who married Mary, daughter and co-heir of James, second son of Maurice, lord Berkeley, and had issue,

Sir John Perrot; who, as Camden observes,† was Lord Deputy of Ireland, and being sensible that nothing would more effectually appease the tumults in Ireland, than a regulation and settlement of the province of Ulster, went thither himself in person, and, by his gravity and authority, gained so much respect among the petty kings, that they consented to have their seignories reduced into counties, and admitted sheriffs to govern them: but, being afterwards recalled, and being very ambitious, some powerful rivals, (together with the licentiousness of his own tongue, in speaking disrespectfully of his sovereign), brought him unaware to ruin.

He died in November, 1599, having married to his first wife, Anne, daughter of Sir Thomas Cheney, knight of the Garter, (sister to Henry, lord Cheney), and had issue,

Sir Thomas Perrot, who was created a baronet, 29th of June, 1611, but died before his patent had passed. He married Dorothy, daughter to Walter Devereux, earl of Essex, and by her had two daughters; viz. Dorothy, who married James Perrot,—and Penelope, who wedded, first, Sir William Lowther, and secondly, Sir Robert Naunton, principal secretary of state.

PEVERELL OF SAUNFORD.—(45 HEN. III.)

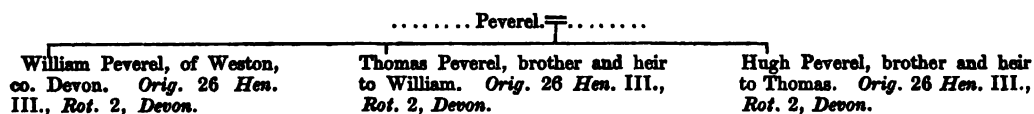
† Testa de Nev.
p. 194.

Dugdale, in his Baronagian account of the several branches of this eminent family has omitted mention of this Hugh Peverel, further than that William, son of William Peverel, of Dover, and sometime called Peverel of Essex, having, with Maud his sister, enfeoffed the posterity of Peverel of Saunford with that Lordship, the barony fell to the king; ‡ it however appears that in the 45 Hen. III., a

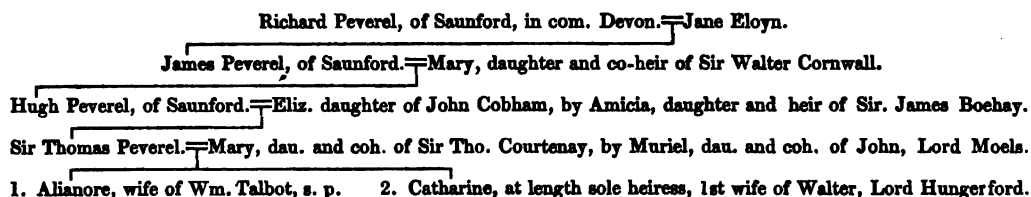
§ Claus. 45
Hen. III. m.
3, in Dorso.

Hugh Peverel, by the designation of *Hugh Peverel de Saunford*, had summons to that parliament, which was by writ dated at the Tower of London, 18 of October, convened to meet in London,§ at which time also in the same writ is mentioned the name of Andr' Pevell. But in what way these persons stood, in descent from Ranulph Peverel, who at the general survey held sixty-four lordships in several counties, or were connected

together, does not appear. Their names are not noticed after this period, as having any baronial distinction.



Lansdown MSS., No. 901.



N. B. There are not any dates to these descents.

* Hugh Peverel of Saunford gave one mark for a Plea of Assize, "*ad recognoscend' si Ric' Pev'ell fr' ip'i Hug' disponat Johanna filia Margareta de Reigin*;" Pip. Rot. 3 Joh., Devon.

PIERREPONT.—(22 Edw. I.)

This ancient family, which, in the course of time, attained to the highest rank in the peerage, is both mentioned by Dugdale, under the title of Earl, and by Collins, under the dignity of duke of Kingston. The latter author has very elaborately given the descent from its progenitors; but the former celebrated writer has commenced his account at only a very late period, omitting two very eminent persons, who thereby become the subject of notice here. Of these,

Simon Pierrepont, (eldest son and heir of Robert, by Annora his wife, daughter of Michael, and sister and heir to Lionel de Manvers, of Holme, in the county of Notts.), was one of those great men who 22 Edw. I.* had summons to attend a parliament, wheresoever the king should be; which writ bears date at Westminster, the 8th of June, in the year aforesaid.

* Dug. Lists of Sum.

This Simon left † a daughter Sibilla, who married Edmund Ufford.

† Mon. Ang. Vol. I. p. 415.

Brother to this Simon, according to the statement of Collins and Edmondson, was

Robert Pierrepont, who had divers summons of service ‡ to attend several councils in the reign of Edward II., and also in the 1 Edw. III., § to march against the Scots: but these were not a call to parliament, but (as the writ expresses), || for the purpose of a military expedition.

‡ Clau. Rot. 15 Edw. II. et alii.

§ Dug. Lists of Sum. || Ibid.

Edmondson ¶ asserts, that this Robert died before he took his seat; which, if the writs were only a command *ad perficiendum*, and not *ad deliberandum et tractandum cum*

¶ Baron. Genealog. Vol. I. p. 57.

ceteris magnatibus et proceribus, is a misrepresentation of the fact. Indeed, there is reason to suspect an error, in making Simon and Robert to be brothers, for the distance of time between 22 Edw. I., and 1 Edw. III., being thirty-four years, renders their being cotemporary, rather anomalous.

* Vol. III.

From Robert de Pierrepoint descended the family of the late duke of Kingston,* as may be seen at large in the Dormant and Extinct Baronage of England.

RIPARIIS OR RIVERS.—(26 EDW. I.)

With regard to the derivation of this family* its origin is merged in obscurity, although the several persons who have born the name, have been of eminent note and honorial distinction. Of these

† Dug. Bar.
Vol. I. p. 563.
‡ Matt. Par. p.
220 & 32, anno
1215.

§ Esch. 27
Hen. III. n. 33.
|| Dug. Bar.
Vol. I. p. 563.

Richard de Ripariis married† Maud, daughter of Richard de Lucie, and thereby acquired the manor of Aungre, in Essex.^b He was one of those great men‡ who, in the time of king John, swore to obey the council of Twenty-five, who were elected by the barons for the administration of the government of the realm: when he died does not appear, but the said Maud survived him, and deceased about 27 Hen. III.,§ leaving, according to Dugdale, Richard de Ripariis, her youngest son surviving,^c and Richard,|| her grandson, then four years of age; whose wardship was committed to Philip Basset, in consideration of one thousand marks.

¶ Lib. Feod.
Vol. II. p. 266.

It seems also, that the said Maud had a younger son, William, who became possessed of certain lands at East Mersey, in Essex; which had been given to Richard his father,¶ by king John.

** Rot. Cha.
39 Hen. III.
in Dorso.

But although Dugdale (as before observed) has thought fit to name the grandson of Maud de Lucy, *Richard*, it appears from a record** of some authority,^d that his name was *John*; which

^a Tradition ascribes the name to be assumed from their habitation near a river, or from having the *Conservatorship* thereof. Aungre, their seat being on the river Roden, in Essex, which falls into the Thames.

^b Matill' de Lucy, D'n'a de Angre maritata est Ricco. de Ripa' p. Regis J. & valet terra ejus xli in Angr'.—Lib. Feod. Vol. II., p. 246.

^c This Richard is probably the same who married Maud, sister and heir of John Breton, of Sporie, and the 5 Edw. III. settled the Reversion of the manor of Dunham Parva, co. Norfolk, on Thomas his son, and Alice daughter of John de Loudham (his intended wife) in tail; with remainder to John and Ralph, brothers to Thomas. (Blomf. Norf. Vol. IX., p. 470, 8vo. edition.) Vide Breton of Sporie.

^d Conventio facta inter Philippum Basset ex una parte & Richardum de Tany: viz. quod dictus Philippus dimisit dicto Richardo maritagium Johis. de Ripariis filii Richardi de Ripariis & hæredis Domine Matildæ de Lucy ad opus cujusdam filiarum suarum & maritagium Matildæ sororis dicti Johis. ad opus cujusdam filiorum suorum.

Pro maritagio autem dicti Johannis de Ripariis prædictus Dominus Ric'us de Tany & Margareta uxor filie & hæres D'ni Will. filii Ric. de Stapleford tradiderunt, &c. dicto Philippo totum Manerium de Stanbragg cum ecclesia.—Chart Rot. 39 Hen. III. m. in Dorso.

John de Ripariis married, or was contracted to marry,* one of the daughters of Richard de Thany, or Tany, and died about 22 Edw. I.;† for in that year, another

John de Ripariis, his son and heir, had livery‡ of those lands whereof his said father had been possessed. This John became a person of considerable eminence, and, 29 Edw. I.,§ was one of those who, in the parliament at Lincoln, subscribed that memorable letter which was addressed to the pope, asserting the king's supremacy over the realm of Scotland; when he is written, "*Johannes de Ripariis, Dominus de Angre.*" Moreover, he had summons to parliament, among the barons of the realm from || 26 Edw. I. to 1 Edw. II., both inclusive.^a

The 4 Edw. II. he fined ten marks, for license¶ to enfeoff John his son of the manor of Aungre; and, shortly afterwards,** deceased, leaving the said John his son and heir.

John de Ripariis, successor to his father, the 6th, 7th, 8th, and 9th Edw. II.,†† had summons to parliament; but after that period, neither himself nor any of his posterity had the like summons. In 13 Edw. III., by the description of John, son of John de Ripariis, he had license‡‡ to enfeoff John Sutton, of Wyvenho, of certain lands at Writtle, and in the Hundred of Aungre, with remainder to himself the said John de Ripariis.

* Rot. Cha. 39
Hen. III. m.
Dorso.
† Esch. 22
Edw. I. n. 33.
‡ Original. 22
Edw. I. Rot. 8
Essex.
§ Dug. Lists
of Summ.

|| Ibid.

¶ Original. 4
Edw. II. Rot.
18.

** Esch. 5
Edw. II. n. 7.
†† Dug. Lists
of Summ.

‡‡ Esch. 13
Edw. III. n.
28. sec. nos.

ROCHE.—(28 Edw. I.)

Thomas de la Roche, 26 Edw. I., had summons to attend the king at Carlisle, well furnished with horse and arms; on which occasion, he is, in the writ,§§ denominated *a baron*. In the same character of a baron, he had other summons of service in the 27 Edw. I.; and, in the year following, |||| had a summons to attend, with the earls and barons, a parliament, called to assemble at London, the writ being tested the 29th of December, the 28 Edw. I.

The 29 Edw. I. he was one of the barons who, in the parliament at Lincoln,¶¶ subscribed the letter to the pope, touching the king's supremacy over the realm of Scotland; on which occasion he is designated "*Thomas Dominus de la Roche.*" From which period to the 34 Edw. I., his name is included with those of the earls and barons, summoned to the several parliaments holden in that interval.

The first founder of this family is imagined to have been Peter de Roche, or Rupibus, who was consecrated at Rome, in 1204, bishop of Winchester, and was Chief Justiciar and Chancellor of England, anno 1213, the 15th of king John;*† after whose death, he was in much repute during the minority of king Henry III., being constituted Protector, on the demise of William Mareschall, earl of Pembroke. The bishop had a

§§ Clau. Rot.
26 Edw. I., in
Dorso. m. 6
and 5.
|||| Ibid. 28
Edw. I., in
Dorso. m. 17.

¶¶ Domo.
Capitulari.
Westm.

*† Chronica
Juridicalia.

^a He was one of the Barons summoned to attend the Coronation of king Edw. II.—(Vide writ).

son styled, in the *Chronica Juridicialia*, "*G., the son of Peter, the king's justiciar,*" who, in 1212, was one of the barons of the Exchequer. He is said to have had several natural sons, whom he largely provided for.^a

* *Chronica Juridicialia*.
p. 468.

Sir William Dugdale, in his *Antiquities of Warwickshire*, * gives the pedigree of the family as hereafter mentioned.^b

† *Beats. polit.*
Index.
‡ *Sandf.*
Geneal. Hist.

Of this name was ——— Roche, Viscount de Rupe and Fermoy, in the county of Cork, Ireland; so created by king Edw. IV.† in 1477.

Ralph the son of Alexander de la Roche, of Ireland, is said by Sandford,‡ to have been one of the four husbands of Elizabeth, daughter and co-heir of Gilbert de Clare, earl of Gloucester; after the death of their brother, the last earl, s. p., this Ralph, by the said Elizabeth de Clare, had issue David, father of John de Rupe, or la Roche, baron of Fermoy, who lived temp. Ric. II., who had Maurice Fitz-John, lord De la Roche, of Fermoy, from whom descended‡

‡ *Peerage Comp. of Ire-*
land.

David De la Roche, Viscount of Fermoy, who lived in the reigns of Charles I. & II.; during the great rebellion, he had adhered to the cause of king Charles, for which he forfeited, after the reduction of Ireland, by Cromwell, his very large estate in that kingdom. During his exile, he contributed, as much as possible, to the restoration of Charles II., and when that event had taken place, returning into England, he solicited in vain for the restoration of his estates and honours, considering his services entitled him thereto. But his estates were confirmed to those who had acquired them by not being so strictly loyal: thus experiencing like many other loyalists, the folly of having adhered to an ungrateful monarch, though the usual reward of those who place their confidence in the gratitude of kings; dying s. p., he was succeeded by

John, his brother, who marrying Catherine, daughter of David Condon, esq., left issue two sons, and a daughter Eleanor; of the sons

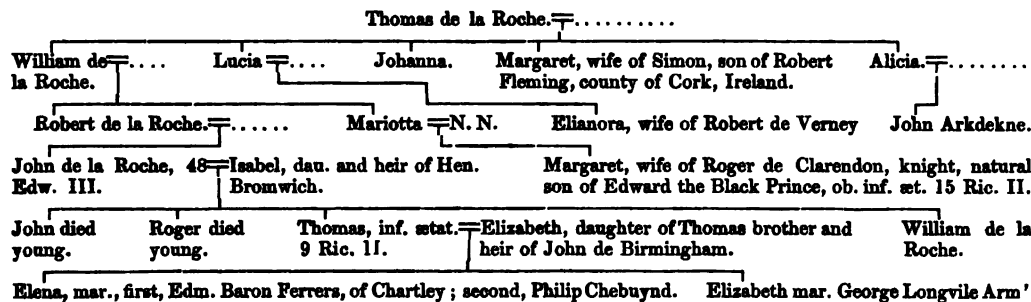
^a One of these sons was, most likely, Hugh de la Roche, archdeacon of Winchester in 1253.—*Originalia*, 26 *Hen. III.*

^b The following singular tenure of the manor of Winteralewe, in Wiltshire, is taken from the Escheat Roll of 50 Edw. III.; viz. "*Johannes de Roches et Willielma uxor ejus tenuit manerium de Winteralewe, per servitium quando Dominus Rex moram traxerit apud Clarendon, tunc veniet ad palatium regis ibidem, et ibit in Botellariam et extrahet à quacunque vase in dicta Botellaria inventa ubi eligere voluerit, vini quantum viderit necessarium pro factura unius piccheri Claretti, quod faciat at sumptus regis et serviet regi de capho, et habebit vas unde vinum extrahit cum toto residuo vini in eodem vase dimisso, simul et caphum unde rex potaverit clarettum illud.*"

In inquisitione anno sexto Hen. 4. (n. 3.) compertum est quod Willielma nuper uxor Johannis Roches Chevalier fuit filia et hæres Matildis de la Mare.

^c In the Peerage of Ireland, by Aoran Crossly, the Viscounty is called *Fermoy in Munster*, which, as Crossly dates the creation the 13 of Elizabeth, seems to have been a second creation, a former probably having become extinct, for default of male issue. Beatson mentions a George Roche, created by king Edw. II., Baron Roche of Fermoy and Coalea.

David, was in the navy, and drowned at Plymouth, in the great storm, in 1703, and was succeeded by his brother Uliok, who married Anne, the widow of — Purcell, and daughter of — Carr, esq., of the county of Northumberland. The title is presumed to be dormant, but not extinct.



PART II.

Henry Bromwich, of Castle Bromwich, in the county of Warwick.—*Pat. 54 Hen. III.* —

Robert Bromwich, Collector of the Revenue, county of Warwick. —

Anselm Bromwich.—19 *Edw. I.* —

Henry.—16 *Edw. II.* —

1.—William Peto, 16 *Edw. III.*, s. p.—Isabel Bromwich,^a daughter and heir.—2.—John De la Roche.

^a This Isabel, the 48 *Edw. III.* joined with her husband (Roche), and settled the Manor and Castle of Bromwich, on themselves for life; remainder to their sons John, Roger, Thomas and William, whereof John, and Roger died young.—*Fin. Levat. Pasch. 48 Edw. III.*

ROSCELYN.—(22 *EDW. I.*)

William de Roscelyn, the first of whom mention is made,^a married Letitia, daughter and heir of Peter de Edisfield, whose ancestors,^c from the time of the Conquest, had holden considerable lands in the county of Norfolk; by her he had issue

Thomas de Roscelyn,^d who, 50 *Hen. III.*,^{*} obtained a license for free warren in his

^{*} Rot. Cha. 50
Hen. III. m.

^a Upon the assessment of aid for the marriage of Maud, the king's daughter, 12 *Hen. II.*, Hubert de Rye, certified (*Hearne's Lib. Nig. Vol. I. p. 289.*) that *Rocel. filius Osbert*, held of him five knight's fees; which *Rocel*, was, likely, the ancestor of this William.

^b From Domesday it is shown, that Ralph, the son of Ilgar, held the lordship of Edgefield, and that Humphrey the nephew, or near relation of Ralph, at the same time held of him Walcote, or rather East-hall manor, in Walcote. This Humphrey assumed the name of Edgefield, or Edisfield, and was father of Peter, father of William; which William, with Maud de Walcote his mother, by deed *sans date*, granted (*History of Norfolk, Vol. VII., p. 68, Hespig.*) to the monks of Bromholme, two parts of the tithes of his demeane at East-Hall, and confirmed the gifts of Peter his father, and Humphrey his grandfather, to the said Priory. Peter, son of this William, left by Hawise his wife an only daughter, who married Roscelyn, as above mentioned.

^c A Thomas Roscelin married Catharine, daughter and heir of Nicholas Boteler, sen., who married the sister of Reynier le Sirene, to whom Ranulph Glanville gave the manor of Upton, which had been granted to him by Henry II.—*Vide Hund. Rot. Norf. Bund. 12, m. 1. p. 504.*

demesne lands at Edisfield, (otherwise Eggefield), Walecote, Norton, Heckingham, Drayton, Tasburgh, and Redlington, in Norfolk.

Peter de Roscelyn, son and heir of Thomas, succeeded to the inheritance, and 14 Edw. I., claimed view of frank-pledge, and assize of bread and beer, among his tenants.

* Dug. Lists
of Summ.

In the 22 Edw. I., this Peter was one of those who had summons* to attend a parliament, appointed to be holden, but of which no place is named in the writ for its meeting.

† Blomef. Vo.
V, p. 915.

Thomas de Roscelyn, son and successor to Peter, was, on the barons' part, in their confederacy against the Spencers, in the time of Edward II., for which his lands were seized: but afterwards, in the reign of Edw. III., he was restored to favour, and also to his estates. He died without issue, prior to the 13 Edw. III., having, by his will, appointed lands for the maintenance of a chaplain, to pray for his own soul and that of his grandfather, in the chapel of St. Mary, founded by his said grandfather, in his manor of Eggefield, or Edisfield. His inheritance came to his six sisters and co-heirs; whereof, Margery married John de Champaine; ———, Ralph de Bokenham; Alice, Sir William Daye; Joan, John lord Willoughby, of Eresby; Maud, Sir Robert Tiffin: and Mary, Sir John Camois.

‡ Hist. of Norf.
Vol. VII. p.
33. Holh.

§ Ibid. Vol. II.
p. 6. Clav.

|| Ibid.

¶ Ibid.

** Ech. 1
Edw. III. n.
45.

The lord Willoughby had the several shares of the other coparceners in the manor of Edisfield, conveyed to him; and, according to the History ‡ of Norfolk, died seised of the whole, leaving Joan his wife surviving, who re-married with Sir William Synthweit.

A younger branch of this family§ was William, brother (as it would seem) to Peter; for he was cotemporary with him, and, 14 Edw. I., claimed assize of his tenants, view of frank-pledge, a gallows, and free-warren, having purchased|| of the prior of Norwich a lordship in Aldebye, in the county of Norfolk. This Sir William, and Joan his wife, 4 Edw. II., settled by fine the said manor on themselves for life, with remainder to William Marshall, baron of Rye, and his heirs; to which family it afterwards passed¶ accordingly. Sir William left his wife surviving, who deceased about 1 Edw. III.,** being then seised of the said lordship of Aldebye, with Staunborne and Foulsham, in the county of Norfolk.

ROUBURY.—(8 Edw. II.)

†† Chr. Jur.
‡‡ Rot. Pat. 9
Edw. II. m.
32.
§§ Dug. Lists
of Sum.
|| Ibid.

Gilbert de Roubury, a very eminent lawyer†† in the reigns of Edward I.^a and II.,‡‡ had summons to parliament during those periods, as one of the king's justices; but, in 8 Edw. II., §§ in the parliament summoned to be holden at York, the names of the king's justices are intermixed||§ with those of the earls and barons. But, although the writ is

^a He was one of the Justices of the Court of King's Bench in 1295, (24 Edw. I.) and the same the 2 Edw. II. and after was made one of the Justices of C. P., the 16 Edw. II. in the room of William Inge.—*Chron. Jurid.*

fide et homagio et cum cæteris magnatibus et proceribus de regno, &c., terms which apply to the baronage, and not to the king's counsel; yet it has not been considered that this single call, including the name of Gilbert de Roubury, thereby conferred upon him the honour of a parliamentary peerage, inheritable by his posterity.^a

With regard to the origin, or descent of this family, no mention is made of it either in the Testa de Neville, the Charter or Patent Rolls, or the Escheat, or Originalia records; from whence it may be collected, that not any of his ancestors were tenants in capite, or even sub-feudists of territorial property. The name, indeed, of

Hugh de Ronbury, or Roubury, occurs * in 23 Edw. I., when the said Hugh was appointed keeper of the priories and religious houses in the counties of Buckingham and Bedford. * Originalia.

RUSSELL.—(24 Edw. I.)

This ancient family, which in the male line is now represented by the duke of Bedford, possessed at an early period considerable estates in the counties of Dorset and Somerset.

John Russel,^b in the 3rd of king John, gave† fifty marks for license to marry the sister of Doun Bardolf, of Wirmegay, in Norfolk. He seems to have been one of the faithful adherents‡ to king John, in the time of his troubles, and, on that account, to have been much favoured by that monarch. † Rot. Pip. 3 Joh. Dors. ‡ Rot. Pat. 17 Joh. m. 17.

In 5 Hen. III. § he was constable of Corf Castle, in the county of Dorset; and the 7th of the same reign|| was sheriff of Somersetshire. When he died, the records do not state; but it must have been shortly after this period, as the 11 Hen. III.¶ Roheisia, who had been the wife of John Russel, had a license to marry again. § Claus. 5 Hen. III. m. 8. || Rot. Pat. 7. Joh. n. 1. ¶ Ibid. II Hen. III. m. 6.

Ralph Russel, son and heir of John, 36 Hen. III.,** had special permission to hunt in all the king's forests within the counties of Wilts, Somerset, and Dorset. He married Isabel,†† one of the daughters and co-heirs of James de Newmarch, lord of Derham, in the county of Gloucester; and 8 Hen. III., had livery‡‡ of those lands in the counties of Gloucester, Somerset, and Wilts, which fell to her share in the partition of that inheritance. He had issue several sons, whereof ** Ibid. 36 Hen. III. m. 5, n. 4. †† Lib. Fed. Vol. I. p. 730. ‡‡ Cla. Rot. 8 Hen. III.

^a He was summoned among the judges and others of the king's counsel, to attend the coronation of king Edw. II.; so also was William de Inge, whose name is mentioned by Dugdale, in his baronage, though he has omitted that of Roubury, and yet Roubury was summoned to the same parliament as Inge, the 8 Edw. II., among the earls and barons.

^b This John, in the 14th of king John, is styled *Jo' fil Odonis Russel*; but of which *Odo*, no mention is made in the printed account of this family, published either by Dugdale or Collins.—Vide Pat. Rot. 14 Joh. m. 2.

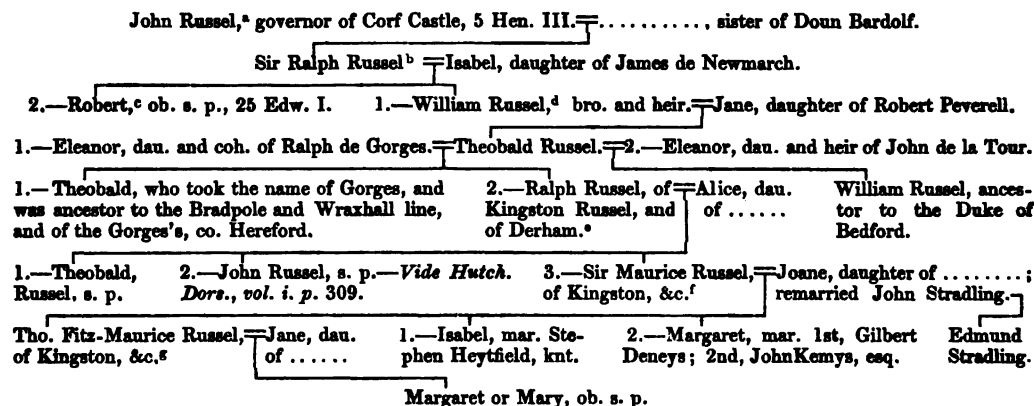
Cotemporary with this John was Sir William Russel, *knight*, a person of whom no mention is made by any of the genealogical writers before named.—Vide Rot. Pat. 18 Joh. m. 4. n. 42.

* Original.
6 Edw. Rot. 24
Dors.
† Cha. Rot.
12 Edw. I.

William Russel was successor to his father, and 6 Edw. I., had livery of his lands.* In the 12th of the same reign, he had a charter† for market, fair, and free-warren at his manor of Kingston-Russel, in Dorsetshire; which manor was holden in serjeanty; viz to be "*cup-bearer to the king at the four principal feasts in the year.*" From this William, by the second wife of Theobald, his eldest son, descended, according to Collins, the family of the present duke of Bedford. But the name of

‡ Cha. Rot.
In Dorso.
m. 12.
§ Esch.
35 Edw. I.
n. 28.
|| Origin.
25 Edw. I.
Rot. 9.

Robert Russell is not contained in the Genealogical History of the Bedford line. This Robert was a son of Ralph Russell, by Isabel de Newmarch, and the same who, 24 Edw. I., had summons‡ to attend the king at Newcastle-upon-Tyne. Shortly after, when he died,§ seised of the manor of Derham, in Gloucestershire; Horsington, in Somersetshire; Herdwick, in the county of Bucks; and other lands in Gloucestershire and Berkshire; holden by the service of *half a barony*, leaving William, his brother and heir, who had livery|| of these lands accordingly.



^a The 3 of king John he fined 50 marks to marry the sister of Doun Bardolf. He seems to be the same, who, by charter sans date, *bono favore uxoris sue Boheiles* granted some lands in Kingston Russel, and 12 & 13 John, held half an hide of land by serjeanty, to be Marshal of the king's buttry.—(*Lib. Rub. Scacc.*)

^b The 8 Hen. 3. he had livery of the lands of Isabel his wife in the counties of Som., Wilts, and Glouc.

^c Omitted by Dugdale. He died 25 Edw. I., William his brother and heir *et.* 40.

^d 34 Edw. I. he had license to grant Kingston Russel to Nicholas de Morteshone for life; which was held of the king by the service of being his Cupbearer at the four principal feasts of the year. The 3 Edw. III., on the death of Nichola, wife of Nicholas de Morteshone, it is stated to have been held in serjeanty "*ad narrand familiam Schachii (Chessmen) regis in camera regis et ponend. loculo cum rez ludum suum perfecerit.*" Theobald, son and heir of William Russel, heir of the said manor, *et.* 25.

^e He held jointly with Alice his wife, at his death, the 49 Edw. III., lands in Dorset, &c. Maurice his son and heir *et.* 19.

He, at his death, 4 Hen. V., held Kingston *ad serviend. in Butleria D. R. & essend. Marshal Butel. ap. natale Domini & Pentecost.* Thomas his son and heir.

^g Thomas, styled Thomas Fitz-Maurice Russel, died 10 Hen. VI., Joan his wife surviving.

^g Mr. Coker says that Thomas Russel, for his heir general, besides his two sisters, left John Hacket, his aunt's son, of the whole blood, and Margaret, wife of John Kemys, and Isabel, wife of Stephen Heytfield, his half sisters; and for his heir male Sir Theobald Gorges, grandchild of his great uncle Theobald Russel. It is evident from the Book of Heirs that Sir Theobald Gorges, 10 Hen. VI., claimed to be cousin and heir of Thomas Russel, viz. Son of Maurice, Son of Ralph, son of Theobald, father of Thomas, father of Sir Theobald; but this claim does not seem to have been allowed, as the heirs of Thomas possessed his estate.

RYE.—(22 EDW. I.)

Of this family it cannot be said that Dugdale has made no mention, for he has certainly included their name among those of the greatest houses noticed by him in his Baronage:* but he has nevertheless observed, that none of the name ever had summons to parliament, while the evidence of his own Lists of Summons contradicts† his assertion. Thus,

William de Rye, 22 Edw. I., had summons to attend that parliament which was to be holden wheresoever the king should be,‡ but for the assembling whereof, no place was appointed by the writ. The meeting might never take place; but as the name of William de Rye was included with the nobles and great men then noticed, it was as much entitled to honorary mention as that of several others who have insertion in his Peerage History.

Of this William, the pages of Dugdale, as before observed, are totally silent, so that it cannot be collected, whether he was of the same stock as the one noticed by him. Previous to this time a

William de Rye had a charter§ for free-warren at his manor of Rye, in the county of Sussex. This place being one of the members of the Cinque Ports, the lord might be called to parliament in that capacity,|| a circumstance which leads to the idea, that the person summoned the 22 Edw. I., was son of this William, who might have his descent from Adam, a younger son of the famous Hubert de Rie, or Rye, to which Adam, the Conqueror gave¶ large possessions in Kent.

Cotemporary with this William, was Ranulph de Rye, which

Ranulph, 24 Edw. I.,** was one of those who then had summons to attend a great council at Newcastle-upon-Tyne, with horse and arms, to march against the Scots. In 9 Edw. I. he†† had a license for free-warren at Surflett, Quadring, Donington, Iwardby, and Housthorp; as also for a market and fair at Gosberkerk, in Lincolnshire. From the description of these lands, it would intimate that he was the son, or at least successor to that Robert de Rye, who held Surflett, Quadring, Donyngton, &c., of the bishop of Lincoln, by the service of two knights' fees; whereof the particulars are set forth in the Testa de Nevill.‡‡

John de Rye, after the death of Ranulph, had the manor of Gosberkerk;§§ and after him,

Nicholas de Rye held the same, together with Surflett, Pincebeck, Quadring, Wyhum, and Donyngton; for all which places he had a grant,||| or rather a confirmation of those privileges which had before him been given to his predecessor Ranulph. His wife's name was Juliana, as it is set forth in the exemplification of a certain judgment had against them in assize,¶¶ by the abbey of Burgh St. Peter, for one hundred and forty acres of Marsh, within the manor of Gosberkerk, &c.

* Dug. Bar.
Vol. I.
p. 109-10.
† Dug. Lists
of Sum.
p. 6 & 15.

‡ Clau. Rot.
22 Edw. I.
In Dorsio.
m. 8.

§ Char. Rot.
33 Hen. III.
m. 6.

|| Vide
Rot. Chart.
33 Edw. I.
n. 13. viz.
Barones de
la Rye.
¶ Dug. Bar.
Vol. I. p. 109.

** Dug. Lists
of Sum.

†† Cha. Rot.
9 Edw. I.
n. 17.

‡‡ Testa de
Nevill, Vol. II.
p. 415.
§§ Esch.
9 Edw. III.
n. 27.

||| Char. Rot.
15 Edw. III.
n. 17.

¶¶ Rot. Pat.
19 Edw. III.
m. 2.

SAMPSON.—(26 EDW. I.)

William Sampson, 26 Edw. I., was one of those who, in the writ, are denominated barons,* and had then summons to attend with horse and arms a great council, appointed to meet at Carlisle. From which period to 33 Edw. I., inclusive, he had the like summons among the barons of the realm.† According to the Testa de Nevill,‡ he held lands at Epereston and Wudeburgh, which his ancestors had holden by the service of one knight's fee of the barony of *Odinghes*,* de veteri feoffamento; for which manor of Epereston he obtained a license of free-warren, 24 Edw. I.§

* Dug. Lists of Sum.

† Ibid.
‡ Testa de Nevill, Vol. I. p. 36 & 38. Notts. and Derb.

§ Cha. Rot. 24 Edw. I. n. 4.

|| Dug. Lists of Sum.
¶ Char Rot. 33 Edw. I. n. 28.

John Sampson was cotemporary with William, and 24 Edw. I. had summons|| of service to attend at Newcastle-upon-Tyne, with horse and arms, to march against the Scots.

This John had his seat at Tonehouse, in Yorkshire, where, 33 Edw. I.,¶ he had a license for free-warren in his demesne lands.

But though these two persons seem to have been of some consideration, by reason of their possessions, and the former especially, by virtue of his reiterated summons to parliament, their names are not recorded as having holden any eminent offices, or as having been otherwise in any way distinguished; unless it might be, that John Sampson, 28 Edw. I., was constable of Stirling Castle.

Elizabeth, sole daughter and heir of John Sampson, of Breason, in Derbyshire, and sole granddaughter and heir of John Sampson, of Newby, in Yorkshire, married Sir Thomas Parkyns, of Bunny, in Nottinghamshire.**

** Collins's Bar. Vol. IV.

Of this name was Richard Sampson, bishop of Lichfield and Coventry, about 1543, who was likewise Lord President of Wales.

There was also a family of this name at Playford, in Suffolk, whereof Robert Sampson, by marriage with Elizabeth, daughter and heir of Thomas, son of Robert de Swilington, became possessed of a very considerable estate in the county of Norfolk;†† and held likewise lands in Derbyshire,‡‡ and several other counties.

†† History of Norfolk, Vol. VII. p. 35. London.

‡‡ Blore's Hist. of South Winfield.

SANDALE.—(33 EDW. I.)

§§ Hearne's Lib. Nig. Vol. . p. 323.

William de Sandvill, Sanderville, or Sandal, in 12 Hen. II., held §§ four knights' fees under Alexander Fitz-Gerald, of the honour of Skipton, in Craven. After whom,

* This means *Odingesles*, which family by the co-heir of *Limesi*, became seized of a moiety of that barony, of which the Testa de Nevill elsewhere (Testa de Nevill, vol. i. p. 87 and 92), thus says: "Thom. Sampson, p. iii. feod. & di' in Eperiston & in Wodeburgh cu' p'tin vii Marc."—De Feodo Lymesie.

By which it is evident, that, on the assessment of aid for the marriage of the king's sister to the emperor, Thomas Sampson paid seven marks for his relief of the three and a half knights' fees, which he held in Eperiston and Wodeburgh, of the barony of *Limesi*.—Vide Sampson of Eperiston, Notts., 5 Edw. II.—Thoroton, v. ii., p. 3.

John de Sandale,* 8 Edw. II., had summons among the earls and barons of the realm to that parliament which was convened to meet at York.* But it is to be observed, that, in this writ, the judges and king's counsel are intermixed † with the said earls and peers of parliament; so that the summons has never been considered creative of a baronial honour descendable to the heirs of the person so summoned.

This person obtained great eminence and preferment in the reigns of Edward I. and II. He was chamberlain of Scotland the 33 Edw. I., ‡ in which year, by that description, he had summons personally to attend the parliament at Westminster. He was also constituted Chancellor of the Exchequer the 1 Edw. II.; § treasurer to the king, 3 Edw. II.; || and, in the 8th of the same reign, ¶ chancellor of the Kingdom.

In the 7 Edw. II. he had a license for free-warren, with wreck of the sea and other liberties,** at his manor of Great Cotes, in Lincolnshire; having the year before, †† in consideration of one hundred marks, had a grant of a certain messuage with the appurtenances, at Thornbriggate, in the suburb of the city of Lincoln, to hold to himself and his heirs. Moreover, he had in 4 Edw. II. ‡‡ a patent to embattle his mansion-house at Wheatele, in the county of York.

This distinguished lawyer, statesman, and ecclesiastic, who is said to have been, first, canon of York, and afterwards bishop of Winchester, §§ died about 13 Edw. II., |||| for in that year the king's escheator had command to take into his hands ¶¶ the lands whereof the said John de Sandale had been seised at the time of his death. This John de Sandale, the 1 of Edw. II., had summons among the king's justices and others to attend the coronation of that monarch. (*Vide Coronation Roll.*)

* Dug. Lists of Sum.
† Ibid.

‡ Rot. Pat. m. 5, et Originalia 33 Edw. I. Rot. 8, Sca. § Rot. Pat. 1 Edw. II. m. 4. || Ibid. 3 Edw. II. m. 2.

¶ Ibid. 8 Edw. II. m. 6, n. 2. ** Cha. Rot. 7 Edw. II. n. 36.

†† Originalia. 6 Edw. II. Rot. 12, Linc. ‡‡ Rot. Pat. 4 Edw. II. m. 15, p. 2. §§ Chr. Jur. |||| Esch. 13 Edw. II. n. 4. ¶¶ Original. 13 Edw. II. Rot. 3, ult. Trent.

SAUNFORD OR SANFORD.

This is the name of a family, whereof, in very early times, there were several eminent persons; though how, or if at all, related to each other, does not appear.

Henry Sanford was archdeacon of Canterbury, and in 1227*† (11 Hen. III.) was elected bishop of Rochester, which see he enjoyed till about 1235, when he deceased*† the sixth of the calends of March.

Nicholas Sandford^b was a person, according to Matthew Paris,*§ not so memorable for his wealth, as famous for his valour. He flourished in the reign of Hen. III. and died the 13th of the calends of February, anno 1252; his death being caused, as it is said, by grief for the loss of his sister Cecilia—the most celebrated beauty of her day.

*† Matt. Par. p. 84. l. 17.
*† Ibid. p. 345. l. 62.

*§ Ibid. p. 717, l. 52, et seq.

^a The name of a manor in the county of York.

^b A Nicholas Sanford, in the time of Hen. III., held one knight's fee of Richard, earl of Cornwall, at Aston-Sanford, county of Bucks.—Lib. Fœd. Vol. 2. p. 172.

But the most eminent branch of this name was—

* Lib. Rub.
Scacc. fol. 137.

John de Sanford, who, in the time of king John,* held the manors of Hormade, Wolmerston, Fingreth, Ginges, and Nuthamstede, by serjeanty of service in the queen's chamber; by which service,

† Lib. Fœd.
Vol. II. p. 243.
Ess. and Hert.

‡ Originalia,
34 Hen. III.
Rot. 3. Essex.

Gilbert de Sandford held the said manor of Hormade, called† Magna Hormade, with Fingrie, Ginges, and part of Wulfelmeston,* in the time of Henry III., about the 34th of whose reign he deceased; for then‡ Fulk, bishop of London, for a fine of one thousand marks, obtained the custody of the lands and marriage of *the heirs* of the said Gilbert *de Samford*. From this description of *heirs*, it is to be inferred that he had more than one daughter, though only one is mentioned by Dugdale,§ and other authorities. This daughter; viz.

§ Dug. Bar.
Vol. I., R.
Brooke, &c.

Alice de Samford, married Robert de Vere, earl of Oxford, and by virtue of her inheritance, carried the office of chamberlain to the queen into the Vere family, which before was the king's hereditary great chamberlain.^b

From thus obtaining the Samford estate, the subsequent Veres, earls of Oxford, added the title of Samford to their baronial honours; but with what degree of propriety, is somewhat questionable. There is no record to demonstrate that the Samfords were ever summoned to parliament as barons, or that they held their lands in capite of the crown, *per baroniam*; and the mere *serjeanty of the bedchamber* is no proof that the manors to which that serjeanty was attached, were ever erected into an hereditary baronial dignity: and, indeed, Dugdale's total silence of the Samford family, in his Baronage, adds considerable weight to the argument, that the said family were never peers of the realm.

But, though this principal branch of the Samford family terminated in female issue, there was another line, whereof

|| Dug. Lists
of Sum.

Thomas Saunford was one of those who, 24 Edw. I., had summons|| to attend at Newcastle-upon-Tyne, well furnished with horse and arms, for an expedition into Scotland, and to obey such orders and directions, as by the great council, which was commanded there to assemble, might be ordained; but, on this occasion, he is not mentioned in the capacity of a baron. He probably is the same who died 27 Edw. I.,¶ leaving Alda, his sister and heir,** to his lands in the counties of Chester and Devon.

¶ Esch. 27
Edw. I., n. 17.
** Originalia,
27 Edw. I.
Rot. 5. Cestr.

* Wulfelmeston est de s'jantia p'tinet ad Thalam' Regine & val' xl^s & eam tenet Cecilia de Saunford de dote—
Lib. Fœd. Vol. II. p. 247.

^b This high office passed from the Veres earls of Oxford, to the family of Bertie, created earl of Lindsey, and afterwards advanced to the title of duke of Ancaster; and upon the death of the last duke, s.p., to his sisters and co-heirs; the youngest whereof, married the then earl of Cholmondeley; and the eldest, Sir Peter Burrell, subsequently created lord Gwydir, by whose son the present lord Willoughby de Eresby, jure matris, and Lord Gwydir, jure patris, the office is now exercised.

As before observed, the connection of the several Samford, or Sanford, names with each other, is not established, nor their original descent ascertained.^a

Jordan de *Sandford*, 12 Hen. II., upon the assessment of aid for marriage of Maud, the king's daughter, was certified** by the abbot of Abendon (Abingdon), to hold four knights' fees de veteri feoffamento; when, also, Galfridus de *Samford* was certified to perform, along with eight others, the service of one and a-half knights' fee, holden of the same abbey. This Jordan was perhaps the more immediate ancestor to Gilbert de Samford, of Hormade; and the same person also, who, in the said 12 Hen. II., held † one knight's fee, of the bishop of Ely, in Cambridgeshire.

* Hearne's
Lib. Nig. v. I.
p. 181. Berks.
Dry Sandford.

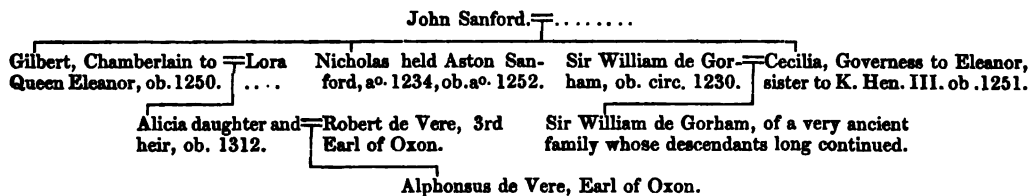
† Ibid. p. 249
Cantab.

A Thomas de Samford was tenant to the abbey of Abendon for one knight's fee, and as such, may be considered to be of Jordan's family. This knight's fee, in the time of Henry III., was holden‡ in dower by Alicia de Samford, as of the inheritance of the said Thomas, at Chilton and Pubbeworth; at which period,

‡ Lib. Fœd.
Vol. II. p. 531.
Berks.

John de *Samford* held in *Samford*, the sixth part of a knight's fee of the barony of the said abbey of Abendon.

SANFORD OF HORMEDE.



SAUNZAVER.—(45 HEN. III., and 22 EDW. I.)

Ralph Saunzaver,^b or Sanzavier, 12 Hen. II., upon the assessment of aid for marriage of the king's daughter, certified§ that he held one knight's fee of the king in capite, in the county of Devon; after whom another

§ Hearne's
Lib. Nig. Vol.
I. p. 130. Dev.

^a According to Hutchins, in his History of Dorsetshire, (vol. i. p. 509), there was an eminent family named Samford, at Melbury, in that county; whereof John Samford, lord of Melbury Samford, had issue Laurence, whose daughter and heir Alda, or Ada, married Sir Walter Poliot, of Melbury-Osmund; whose daughter and heir Alice, married John Maltravers, junior. But Hutchins states further, that Dr. Guidot cites a record, which says, that Laurence Samford left a daughter Joan, who married Maltravers; and that the said Laurence Samford was kinsman to Alda, sister and heir to Thomas de Samford, above mentioned; which Alda died circ. 4 Edw. III.—Esch. n. 6 Cestr. But there is reason to consider that Hutchins, as well as Dr. Guidot, are both wrong. Mr. Pitts's MSS. give another statement; so that these different accounts involve so much contradiction as to render accuracy difficult to be ascertained. This family not being of baronial rank, it is not necessary to argue the controversy.

^b This family is recorded to have been of very early note, inasmuch as Matthew Paris, (p. 20 and 21) recites, that Walter *Sensavior* was one of the first Crusaders, anno 1096, but afterwards miserably perished in that expedition of holy infatuation.

* Cha. Rot. 46
Hen. III. m. 1.

† Claus. 45
Hen. III. m.
3. Dors.
‡ Hollinsh. V.
II. p. 454,
new edition.
§ Esch. 12
Edw. I. n. 18.

|| Collinson's
Somerset. Vo.
III. p. 467.

¶ Clau. Rot.
22 Edw. I. in
Dorso. m. 8.
** Esch. 8
Edw. II. n. 52.
Original. Rot.
7.

Ralph Saunzaver had a license* for free-warren at his manor of Spartegrave, in Somersetshire, and at Biggeneure, with the hamlet of Rogate, in Sussex. This Ralph is probably the same who, in 45 Hen. III., had summons† to attend the parliament convened to meet at London in that year; but to which, according to Hollinshead,‡ the barons refused to attend. When he died there is no mention; but

Hugh Saunzaver, 12 Edw. I., appears to have died§ possessed of the estates at Spartegrave, Biggenoure, and Rogate, before mentioned; to whom succeeded

Ralph Saunzaver, his son, according to Collinson,|| who settled a great dispute respecting certain lands appertaining to his manor of Saunzaver, in Somersetshire, with the abbot of Glastonbury. This Ralph, though unnoticed by Dugdale in his History of the Nobility, is mentioned by him in his Lists of Summons to parliament, where his name is among those who, in the character of barons, were summoned the 22 Edw. I., to attend the king to advise on the affairs of the realm, though no place of meeting was appointed in the writ.¶ He died the 8 Edw. II., being then seised with Christian his wife** of Biggenore, in Sussex; Gratsiden, in Huntingdonshire; and Croxton, in the county of Cambridge. He had issue another

Ralph Saunzaver, but he never was noticed in the same baronial capacity as his father.

SPIGURNEL.—(8 EDW. II.)

†† Cha. Rot. 9
Joh. m. 7.

‡‡ Ibid. 11
Hen. III. m. 9.

§§ Esch. n. 3.

||| Originalia,
24 Edw. I.
Rot. 10.

¶¶ Esch. n. 22
*† Esch. n. 16.

*† Harl. MS.
294, p. 58.

*§ Clau. Rot.
n Dorso. m. 35

Godfrey Spigurnell, in the 9th of king John, had a grant†† to himself and his heirs, of lands at Sckeggebye, in the county of Nottingham; whereof a

Geffery Spigurnell was afterwards possessed,‡‡ from whom it may be presumed that the said manor of Sckeggebye descended to

Edward, or Edmund Spigurnel, who, 24 Edw. I.,§§ was found to have died seised thereof, as also of the manor of Standon, in Essex; of both of which,

John Spigurnel, as brother and heir, had livery in the same year.||| He died 2 Edw. II.,¶¶ and was succeeded by his son, another

Edmund Spigurnel, who did not survive long, deceasing the 8 Edw. II.,*† seised of the manors of Skeggebye and Standon. He had issue John, his son and heir, who had issue a daughter Joane, his*† heir.

Henry Spigurnel, brother to the last Edmund, in the reign of Edw. I. and II., was one of the justices of the King's Bench, and on divers occasions, in such capacity, had summons to parliament;* but in the 8 Edw. II.,*§ his name was included in the same

* In the capacity of one of the king's justices, his name is included among those summoned to the coronation of Edw. the II. The name of Spigurnel is said to have been taken from the Serjeanty, or office of Spigurnel, supposed by Madox to be that of *Sealer of the king's writs*.

writ, *cum cæteris magnatibus et proceribus*, whereby the earls and barons were summoned to a parliament to be holden at York, on the morrow of the Nativity of the Virgin Mary. It may be observed, that although some of the justices were intermixed with the earls and parliamentary barons, yet the whole of the judges and king's counsel, usually summoned *as such*, are not included in this writ; so that it may remain a question, whether those judges whose names are mentioned, were not intended to be advanced to the degree of barons.

This Henry deceased 2 Edw. III., being possessed of a very considerable estate in several counties,* leaving Thomas his son and heir, who the same year had livery† of his father's lands.

Morant, in his History of Essex,‡ gives the Spigurnel arms, Quarterly G. and O.; in the second and third quarters, a Fess of the first.

Of this name was Ralph Spigurnel, admiral of the North and West coast, 38 Edw. III.§

* Esch. 2
Edw. III. p. 28.
† Original. 2
Edw. III.
‡ Vol. I. p. 148.

§ Otho E ix
Bib. Cott.

STAFFORD.—(35 Edw. III.)

At the great council which was convened to assemble at Westminster, in 35 Edw. III., to take into consideration the affairs of Ireland, and at which the heirs of Camville, holding lands in that kingdom, were especially required to attend.

James de Stafford was one of those who were then|| summoned. With regard to this James, no mention is made of him by Dugdale in his account of the Stafford family, although he has therein¶ noticed, that Richard a younger son of Edmund, lord Stafford, married the heiress of Camville, of Clifton; which Richard appears** likewise to have been summoned at the same time.

|| Dug. Lists
of Sum.

¶ Ibid. Baron.
Vol I. p. 159.
** Dug. Lists
of Sum.

STAUNTON.—(8 Edw. II.)

Henry,^b or Hervey de Staunton, 34 Edw. I., was made†† one of the justices of the Common Pleas; in which situation he was confirmed‡‡ on the accession of Edward II., and had summons to attend at his coronation. In the 10th of the same reign he was appointed§§ chancellor of the Exchequer, and afterwards||| chief justice of the Common Pleas and King's Bench.¶¶^c He had summons to divers parliaments, as one of the king's justices; but in 8 & 9 Edw. II., in those parliaments which were convened to

†† Rot. Pat.
34 Edw. I. m.
27.
‡‡ Ibid. 1.
Edw. II. m.
21.
§§ Ibid. 10
Edw. II. m.
35.
||| Ibid. 17
Edw. II. m. 9.
¶¶ Ibid. 20
Edw. II. m. 29.

* At the famous tournament at Dunstable, the 7 Edw. II., there was among the tilers a Sir Ralph Spigurnel, who bore for arms: "*Az. ove trois Barres, or; un. molet, Arg. en le chief.*"

^b In the record appointing him a justice, he is named *Henry*, and not *Harvey*.

^c In the Patent Rolls, he is written *Henricus* de Staunton; in Dugdale's Lists of Summons, and the *Chronica Juridicalia*, *Hervicus* de Staunton.

* Dug. Lists
of Sum.

† Ibid. 9, 11,
12, 13, & 14
Edw. II.

‡ Ibid. 9
Edw. II.

meet at York and Lincoln, he had summons* among the barons of the realm; for, in the said writs, the justices and the nobles were intermixed. It should also be observed that in several of the following parliaments, in some of the succeeding years, the peers, and the king's justices and counsel, were summoned† by the same writ. But it is worthy of notice, that, in the summons of 9 Edw. II., the name of Hervey de Staunton is twice mentioned;‡ viz. first *among the barons*, and, afterwards, among *the king's justices*.

The family of Staunton was of great antiquity and respectability in Nottinghamshire; of which, Thoroton, in his history of that county, observes, "There is a certain kind of rhyming bard-like pedigree of this family made by one *Robert Cade*, (who did the like for the family of Skeffington, and 'tis like for some others;) in this, he hath transcribed the epitaphs out of this church, and therefore, it may not be much amiss to insert so much of it as brings the descent down to this eminent judge, who died without issue."

In this pedigree it is to be observed, that he is named *Henry* and not *Harvey*.

THE STAUNTON'S PETYGREWE.

O champion cheefe, and warlike wight,
Of Staunton's stocke the pryme,
The and thy sequele I must blase,
And petygrewe define.

Though Harolde they in noble sorte,
Thy arms not pende in vaine,
Yet somethinge wants that here is writte,
As barks, and toubmes shewe plain.

The first Sir Manger Staunton, knight,
Before Wyllyam came in,
Who this realme into one monarche
Did conquer it, and win:

At which sometime this Manger knight
Thrughe feats of arms and sheeld,
In marcyall prowess so valeant was,
That then he wanne the feelde.

In Belveor castle was his houlde
That Stauntons towr is higte,
The strongest forte in all that front,
And hiest to all mens sighte:

Unto which forte with force and flagge
The Stauntons stocke must sticke,
For to defende against the foe,
Which at the same could kicke.

His lodgeinge large in that turrette
At all times for his case,
He may command both night and day,
And no man to displease.

And therefore Staunton's manor nowe,
Whiche in Staunton doth stande,
Of Belveor castle is now helde
By tenure of the lande.

This Staunton knight got sure to wife
One Emme of worthy fame,
Also a son that knighted was,
Which Manger had to name.

Which last Sir Manger took to wife
Beatrix both sage and wise,
As valeant as his father was
In every enterprise:

Whiche lady Beatrix, daughter was
 To him that then was lord
 Of Belveor castle, (in the vale),
 As tombes and arms accorde :

And in the same went forward still,
 And profited much, I know,
 At ynnes of courte a counsailer
 And serjeant in the lawe :

Whiche two Sir Knights cross-legged lieth
 In male and armoure fine,
 Their superscriptions worne away,
 Their deaths are without time ;

And in processe of time indeed
 A judge he came to bes
 In the common benche at Westminster,
 Such was his high degree :

Yet warlike wightes with helmes on heades
 In Staunton's church doth lie,
 Their soules, no doubt for nobler actes
 Ascend the skies on hie.

A baron wise, and of great wealthe,
 Who built for scholers gaine
 Saint Michaels house, in Cambridge towne,
 Good learninge to attaine :

Before his death this last knight got
 Two sons, William and John,
 And also with man-hood and strengthe
 The barre pasture he won.

Which deed was done in the eighteenth yeare
 Of Second Edward king,
 One thousand three hundred twenty-foure,
 From whom they pray and singe :

The Belveor lorde said it belong'd
 To Northampton trulie,
 But this knight sease did die thereof
 As his demesne in fee.

In which said house the Stauntons may,
 Send Students to be placed,
 The founder hath confirmed the same,
 It cannot be defaced.

Sir William Staunton, knight, was next,
 Dame Athlin was his wife,
 Sir Geoffrey Staunton, knight, their heire,
 Both voide of vice and strife.

This lord baron no yssue had,
 We cannot remember his wife,
 Nor where his body tombed was,
 When death did cut off life.

And Sir Henrie his brother was,
 Who gave himself to learne,
 That when he came unto man's estate,
 He could the lawes discerne :

Sir William the father is tombed sure
 In Stauntons church of olde,
 And hath engraved upon his stone,
 Verbatim to behoulde :—

“HIC JACET WILLIELMUS DE STAUNTON, MILES, ET FILIUS
 MAUGERI DE EADEM, MILITIS, QUI OBIIT ULTIMO MAII ;
 CUJUS ANIMÆ PROPITIETUR DEUS, AMEN.”

N.B.—Vide Rot. Parl. 14 Edw. III. Vol. II. p. 123.—A great contention between Geffery, son of William, son of William, son of Geffery Staunton, and Alise, his wife, and John de Staunton of Eyleston, and Amy, his wife, for certain lands in Eyleston.

STEYNGREVE.—(22 Edw. I.)

This is the name of a manor in the county of York, as also of an ancient family,* whereof,*

Simon de Steyngreve held two knights' fees, and a fourth part of the barony of Hugh Paynel: at which time also,

Henry de Steyngreve^b held † the eighth part of a knight's fee of the same barony; and 41 Hen. III. † had a grant of free-warren at his manor of Steyngreve, or Staingrove; but the principal person of this name was

John de Steyngreve, who married Ida,§ one of the daughters of Ela de Beauchamp, wife of Baldwin Wake; which Ela, with her sisters Maud and Beatrix, were the daughters of William de Beauchamp, of Bedford, and the co-heirs to that barony. By virtue of this marriage, the said John de Steyngreve came to participate in the Beauchamp inheritance, and becoming thus seised of certain lands holden in capite of the crown, as parcel of that honour, had summons, among the barons of the realm, the 22 Edw. I., to that parliament || which was then convoked, but for which no place was mentioned in the writ for its meeting. But this John deceased in the following year,¶ or about that period; for the king's escheator had then command** to take into his hands the lands whereof the said John had died seised; and shortly after,†† the king took the homage of Simon de Patshul, of the county of Bedford, who had married Isabel, the daughter and heir of the same John de Steyngreve; which Simon died shortly after,‡‡ and the said Isabel afterwards married Walter de Teye,§§ who in her right, as it would seem, had summons to parliament from 27 Edw. I. to the 1 of Edw. II., both inclusive; and 29 Edw. I.^o was denominated "*Walterus de Teye, Dominus de Stangreve.*"

Though the baronial line of this family thus terminated in an heir-female, the male branch, or, at least the name, continued some time longer; whereof,

Robert de *Steyngreve*, 14 Edw. II.,||| had committed to his custody the castle and honour of Tunbridge, with the manors of Eldyng and Rotherfield, in the county of Sussex, and of Bletchingfield and Okham, in Surrey. Also,

Adam de *Steingreene* was one of the barons of the Exchequer, in the reign of Edward III.¶¶

* Testa de Nevil, Vol. II. p. 644, Ebor.

† Ibid.

‡ Char. Rot. 41 Hen. III.n. 2.

§ Dug. Bar. Vol. I. p. 214.

|| Dug. Lists of Sum.

¶ Esch. 23

Edw. I. n. 54.

**Original. 23

Edw. I. Rot. 5

††Ibid. Rot. 11.

Bedford.

‡‡ Esch. 24

Edw. I. n. 66.

§§ Esch. 18.

Edw. II. n. 70.

||| Ibid. 14 Edw. II. Rot. 9.

¶¶ Rot. Pat. 6 Edw. III. m. 18. p. 2.

^a Robert de *Staingrave*, 12 Hen. II. held half a knight's fee of R. de Gant; and a William de *Staingrave*, the sixth part of a knight's fee of Everard de Ros.—*Hearne's Lib. Nig. Scacc. Vol. I. p. 325. Ebor.*

^b Alice de Nova Haia, daughter of Henry de Staingrave, for the good of the souls of Henry and Thera, her father and mother, and of William and Bernard, her brothers, was a benefactress to the abbey of Drax, in Yorkshire, founded by William Paynel.—(Burton's Monasticon, p. 106). Henry, son of Alice de Staingrave was also a benefactor to the same abbey.—*Ibid.*

^c This was upon the occasion when, in the parliament at Lincoln, the said Walter de Teye was one of those barons who subscribed with their hands and seals the memorable letter addressed to the Pope, asserting the supremacy of Edward I. over the realm of Scotland.

The Barony of Beauchamp of Bletshoe, including the Descent of the more ancient Baronies of Steyngreve, Patshull, and Grandison.

STEYNGREVE AND PATSHUL OF BLETSHOE.

John de Steyngreve, summoned to parliament 22 Edw. I. Obiit circ. 23 Edw. I. — Ida, dau. and coh. to Baldwin Wake, by Ela, sister and coh. to Simon, William, and John de Beauchamp, barons of Bedford, who died s. p.

GRANDISON AND TREGOZ.

Wm. de Grandison, sum. to parl. from the 27 Edw. I. to the 19 Edw. II. — Sibilla, dau. and coh. to John de Tregoz, who was sum. to parl. 25 & 27 Edw. I. 1 Simon Pats-hull. — Isabella de Steyn-greve, daughter and sole heir. — 2 Walter de Tyes.

Peter, sum. to parl. 11, 12, & 23 Edw. III. ob. s. p. *Esch.* 32 Edw. III. n. 32. John, bishop of Exeter, bro. & heir to Peter. — *Origin.* 32 Edw. III. *Rot.* 5. ob. circ. 43 Edw. III., *Esch.* n. 47. Otto. — *Esch.* 33 Edw. III. n. 41. He married Beatrix de Malmains, & had issue. Catharine, married Wm. Montacute, earl of Salisbury, and had issue. Agnes, married John de Northwode, & had issue. Mabel. — John de Patshull, sum. to parl. 16 Edw. III.

Thomas de Grandison, who had livery of his lands 33 Edw. III. — *Originalia*, *Rot.* 4. ob. circ. 49 Edw. III. *Esch.* n. 62. William Pats-hull, ob. s. p. Circ. 34 Edw. III. Sibyl, eldest dau. & coh. — Roger de Beauchamp, sum. to par. from 37 Ed. III. to 3 Ric. II. Alice — Thomas Wake. Mabel — Walter Fauconberg. Catherine — Robt de Tudenham.

Roger de Beauchamp. — Johanna, daughter of William Clopton.

Roger de Beauchamp, son of Roger, son of Sibilla, eldest daughter of Mabel, sister to Otto, father of Thomas de Grandison. — *Vide Origin.* 50 Edw. III.; *Rot.* 2, 3, and 6.

John de Beauchamp.

Margaret, wife of Oliver St. John.

John, ob. s. p.

STOWEY.—(24 EDW. I.)

Galfridus (or Geffery) de Stowey, 24 Edw. I., was one of those who had summons to attend the great council at Newcastle-upon-Tyne, well furnished with horse and arms. This Galfridus (or Geffery) de Stowey, is stated by Collins* and Edmondson† to have been the progenitor of the Stawell family, which afterwards were created barons of the realm, by patent in 1683 (34 Cha. II.), but whose honour is now extinct in the male line.

He is set down‡ as son and heir of Matthew, eldest son and heir of Adam de Stowey, (or Stawell), who, in the reign of Henry III., held§ one knight's fee in the county of Somerset; as also lands in Norfolk;|| and one hide of land in Waleton,¶ in Berkshire, by the serjeanty of keeping the king's *door*, which land was of the value of fifty shillings.

The said Geffery de Stowey (or Stawell), married Joan, daughter and at length heir of John de Columbers, a baron of considerable eminence, of whose family Dugdale has made mention; and of whom mention also is made in the preceding volume of this work.

* Edit. 1768.

† Baronag. Genealog.

‡ Ibid.

§ Lib. Ford. Vol. I. p. 708.

|| Ibid. Vol.

¶ Ibid. Vol.

I. p. 480.

SULEY.—(26 Edw. I.)

* Dug. Lists
of Sum. p. 21.

John de Suley, (*so written*) is noticed by Dugdale,* as one of those persons denominated barons, who 26 Edw. I. had summons to attend *equis et armis*, at Carlisle. As also in the 28th, to attend a parliament at London and at Lincoln. Moreover, 29 Edw. I., he was one of those great men who, in the said parliament at Lincoln, subscribed that memorable letter, sent by the nobility of England to the Pope, asserting the king's supremacy over the realm of Scotland: on which occasion his name is thus written: *Johannes Dominus de Sulle*.†

† Ibid.

‡ Ibid.

§ Dug. Bar.
Vol. I. p. 429.

By the name of *John de Suley*, he is also recited in the several parliaments‡ of the 30 and 32 Edw. I.; but, in the writ of the 33rd of the same reign, the name is written, *John de Sudley*. This circumstance leads to a presumption, that the person so summoned was John de Sudley, lord of Sudley Castle, in the county of Gloucester; and that the previous statement was a *misnomer*. Indeed, Dugdale, in his account§ of the Sudley family, states that the said John had summons to Carlisle, in 26 Edw. I.,* but makes no mention that he was one of those who was in the parliament of Lincoln, the 29 Edw. I., on the occasion before mentioned, as there appears to have been two families; viz. *Sully* and *Sudley*, cotemporary with each other, the mistake of one for the other might easily occur, though it leaves the point rather uncertain, as to which was the identical one meant at the several periods referred to.^b

Dugdale having omitted the family of *Sully*, in his *Baronage*, it may not be here irrelevant to observe, that the name of

|| Ibid. p. 406.

Reginald de Sully occurs as one of those famous persons who assisted Robert Fitz-Hamon in his conquest of Glamorganshire, and, for his services, was rewarded|| with the castle and manor of *Sully*. After him,

¶ Mag. Brit.
p. 488, Devon.

John de Sully is noticed¶ as a man very renowned in the Holy Land against the Saracens, where he remained several years, but at length received many wounds, and returned to England, where he died, at his seat of Iddesley, in the county of Devon, and was interred at Crediton, under a tomb erected to his memory, with his figure in full proportion, cross-legged.

** Lib. Ford.
Vol. II. p. 841.
Devon.

Reymund de Sully, in the time of Henry III.,** upon the collection of the aid for the marriage of the king's sister to the emperor of Germany, was assessed eleven marks and eight shillings, for those five knights' fees, and certain aliquot parts which he held of the barony of Torrington, which had come to his possession by marriage with one of the five co-heirs of Matthew Fitz-Robert, baron of Torrington, in the county of Devon aforesaid. To this Raymond succeeded

^a In this writ the name is *Suley*, and not *Sudley*.

^b Had it been *John de Sudley* summoned to the parliament at Lincoln, he would most probably have been designated in the letter to the pope *Dominus de Sudley*; whereas the name stands *Johannes Dominus de Sulle*, as if it was personal.

Walter de Sully, who the 26 Hen. III.* had livery of those lands whereof the said Reymund had died seised. This Walter deceased about 14 Edw. I., being then† possessed of a fifth part of the barony of Torrington before mentioned.

He, or another Walter, married‡ Mabel, one of the four daughters and co-heirs of Roger de Somery, by Nicholaa his wife, one of the sisters and co-heirs to Hugh, the last Albini, earl of Arundel; and by the said Mabel, who deceased 5 Edw. II.,§ had issue two daughters, Sibilla and Nicholaa; as also a son,

Raymund de Sully, who died about 10 Edw. II.,|| being then seised¶ of his mother's inheritance at Barewe and elsewhere, in the county of Leicester. The name of his wife is not expressed, but he is stated to have had a daughter Elizabeth, who died without issue.**

Besides the persons before mentioned, there was another of considerable note; viz.

Henry, styled *Dominus de Sulle*, who, in the reign of Edward II., was appointed†† governor of the islands of Guernsey, Jersey, Alderney, and Sarke; and, in the 18th of the same reign, was constituted‡‡ the king's ambassador to France and other countries.

SUTTON, OF HOLDERNESS.—(18 EDW. II.)

This name is mentioned in Dugdale's index to his Summonses to Parliament, but no account of the family is given, in his Baronage; nor in any hitherto printed peerage history; even Sir Nicolas Harris, has not attempted to illustrate the learned and refined observations in his Synopsis, with a guess, as to whence the family was derived. It is, however, certain that the Suttons of Holderness, were a very distinct family from that which acquired the barony of Dudley.

Sutton appears to have been a manor in that part of Yorkshire called Holderness; and was granted by the Albermarles to this family which took its name from the place.

Siward de Sutton§§ is the first of whom anything is known. He lived about the æra of the Conquest. Særus de Sutton lived about the 3rd of Henry II.; and the 20th Hen. II., there was a William de Sutton; and two brothers, Richard and Robert.

Amandus de Sutton, son and heir of William, the 33 Hen. II., confirmed the grant which Sayer and William gave in Sutton to the abbey of Meaux. The same Amandus, at an advanced age, with the consent of Sayer, his son, gave what he had in the west marsh of Sutton, and the land of Eroald hominis sui to the said abbey.|||

Saher de Sutton, son and heir of Amandus, called *Miles*, in 1218, granted to his brother William, Parson of Sutton, a fishery in Sutton Marsh.

Amandus, son and heir of Saher, became a novice in the abbey of Meaux, but died during the time of his noviciate, s. p., in 1237, and was succeeded by his brother Særus, which

* Originalia, 26 Hen. III. Rot. 4, Devon.
† Esch. 14 Edw. I. n. 1.
‡ Original. 11 Edw. I. Rot. 2 and 18.

§ Ibid. 5 Edw. II. Rot. 10. Esch. n. 12.
|| Ibid. 10 Edw. II. Rot. 16, Leyc.
¶ Esch. n. 52.

** Glover's Collections MS. in Coll. Arm.

†† Rot. Pat. 16 Edw. II. m. 5, par. 2.
‡‡ Ibid. 18 Edw. II. m. 35.

§§ East Rid. Ped. Vol. VIII.

||| Meaux. Chart.

Sacerus de Sutton, the 9th Edw. I., is returned by Kirby as holding in Sutton and Ganstead, eleven carucates, where forty-eight made a knight's fee. His son and heir,

Sayer de Sutton, was found by inquisition dated at Hedon, on the Monday after the feast of the annunciation, (1292), before Sir Thomas Normanville, escheator, to have left John, his son and heir, aged 21 years; and Christiana, mother of the said John, to have a third of the rents, &c., in dower; when the jury also found, that Saher de Sutton held of Isabel de Fortibus, lady of Holderness, by knight's service, a capital messuage in Sutton, valued at a mark yearly, in all its outgoings, &c.

John, son and heir of the said Sayer, had his marriage granted by Isabel de Fortibus, to William de Hamelton, knight; but when, or to whom he was married, does not appear. It was this John who was summoned to parliament the 18 Edw. II., as *Johannes de Sutton*; and to a great council at Carlisle, the 1 Edw. III. by the same description; but Poulson asserts,* that in 1327, the 1 Edw. III., John de Sutton, son and heir, was aged twenty at his father's death, so that if this be correct, all the subsequent writs of summons must apply to the said John the son, and not to John the father. He being dead, according to this statement, which seems the better founded, from no other writ being addressed, till the 6th of Edward III., when John the son was twenty-five years old and upwards, which John de Sutton, son and heir of the preceding, had the like summons to parliament, from the 6th to the 17th of Edward the III., inclusive, with the additament of *de Holderness*. He is stated to have been knighted by Edw. III., in 1346,† at the seige of Calais. He died the 30th of Edw. III., s. p., leaving Alicia his wife surviving, who died the 37 Edw. III., and Thomas his brother and heir, æt. 40 and upwards. This

* V. 2, p. 326.

† Frost's
Notices p. 99.

Thomas de Sutton never had summons to parliament. He died without issue male before the 12th July, the 2 Hen. IV. In the 1 Ric. II., he by deed of that date settled his castle of Branceholme, and manor of Sutton, on his daughters Constance and Margery, the wives of Peter de Mauley the 6th, and Peter de Mauley the 7th, and their issue male by their said husbands, not having any issue male himself. He appears to have had another daughter, Agnes, or Anne, who married—first, Sir Ralph Bulmer, of Wilton, in the county of York; and, secondly—Sir Edward Hastings, knight. The daughter Constance, married as above mentioned, Peter de Mauley the 6th, to whom she was second wife, and survived him, having had issue by him an only daughter, Constance, who is said to have married Robert de Hilton, (called son of Matilda).^a Constance, widow of Peter de Mauley re-married Sir John Goddard, knight, High Sheriff of the county of York, anno 1389, and had issue by him a son John, æt. 14 the 2nd Hen. IV., and æt. 24, the 3rd of Hen. V.

^a This intimates that he was son of Matilda, one of the four married daughters and co-heirs of Roger de Lascells, which Matilda married Robert de Hilton, of Swine.

Margery, the other daughter and co-heir, who married Peter Mauley the 7th, who was son of Peter, the 6th, by Elizabeth, his first wife, and died before his father,—had issue Peter, the 8th, the last baron Mauley of his family, who died s.p.; and two daughters, viz. Constance, who married—first, William Fairfax, of Walton; and secondly, Sir John Bigot; and Elizabeth, who married George Salvain, of North Duffield. The said Margery, after the death of her husband, Peter de Mauley, the 7th, re-married William, baron de Aldeburgh;* but had not any issue by him, and died the 15th of Ric. II.

* Vide
Aldeburgh.

SUTTON, OF ESSEX.—(34 EDW. III).

In Dugdale's list of summons, mention is made of a John de Sutton, summoned to a parliament at Westminster, the 34 Edw. III., with the additament of *de Essex* to his name. But he never had any other summons, at least by such description,—not any notice, nor account is to be found of him, either in the Baronage, or any other printed peerage history,—not even of Mr. Burke,† the paragon of all peerage authors; and the Plagiariſt of Banks's Dormant and Extinct Baronage.*

† Vid. Burke's
Dorm. and Ex-
tinct Peerage.

SYWARD.—(26 EDW. I.)

Richard Syward,^a 26 Edw. I., was one of those who then‡ had summons to attend a great council at Carlisle, furnished with horse and arms; on which occasion he is denominated a baron. § But excepting at this period, and in the following year to the same place, || the name of Syward is not noticed as of baronial consideration, or in any of the lists of summons to parliament, or of the great councils of the nation.^b

If the name be viewed with reference to the great Syward, ¶ the Saxon earl of Northumberland, it is of most noble and ancient degree; but the descent from that famous person is by no means deduced.

William, the son of *Siward*, 12 Hen. II., upon the assessment of aid for the marriage of Maud the king's daughter, certified** that he held in his own demesne a certain village called Goseford, and half of another called Mileton, in the county of Northumberland, by the service of one knight's fee, *de veteri feoffamento*.

‡ Dug. List
of Sum.

§ Cha. Rot. 26
Edw. I. in
dorso. m. 6 & 5
|| *Ibid*
27 Edw. I.
in dorso.
m. 12 & 14.
¶ Dug. Bar.
Vol. 1., p. 4.

** Hearne's
Lib. Nig.
Scacc.
Vol. 1. p. 333.

^a Three Vols. 4to., published in 1807-8-9,—before Mr. Burke's time.

^b Vide Hutchin's Dorset, Vol. I., p. 62.—Syward of Winterborn-Clinston, in the Hund. of Combs. Ditch.

^c In the Wardrobe account of 28 Edw. I., there is mention made of a Richard Syward, therein termed a Banneret, who, from the date, may be concluded to be the same person as named in the aforesaid writs of summons, and, perhaps the same who married Philippa, one of the three daughters and co-heiresses of Thomas Basset, of Hedendon; which Philippa had been before married to Henry, earl of Warwick.

* Matt. Par. Subsequent to this æra, Matthew Paris mentions* a Richard *Sward*, who, in the reign of Henry III., was a very martial person, and during that troublesome æra, made† a conspicuous figure.

† Ibid p. 364. In 1236, along with Richard, earl of Cornwall, and many *other noble persons*, ‡ he was signed with the cross for an expedition to the Holy Land, after when, he died, § anno 1248 (33 Hen. III.) He very probably was father to Richard before mentioned, 26 Edw. I., and to Thomas Sward, who, by Matthew Paris, is represented|| *juvenis in militia præclarus*

But the first progenitor of this family, most likely was the same

Richard Siward, who was one of the twelve knights who accompanied Robert Fitz-Hamon in his conquest of Glamorganshire, and was rewarded by him¶ with the castle and lordship of Calavan, or Talavan.

THORPE.—(2 EDW. II.)

This is the name of a very ancient family in the county of Norfolk, so denominated from the manor of Thorpe, in the Hundred of Depwade,* whereof

John de Thorpe was lord, as also of Fundenhall, Wrenningham, Bunwell, and of divers other manors in the said county. He married Margaret, daughter of Robert, and sister and at length co-heir** to Bartholomew, lord of Creake and Hillington, in Norfolk, and of Combes in Suffolk.^a

** Collins's
Parl. Prec.
p. 390.

* The History of Norfolk states, (*Vol. II., p. 5, Depwade.*) that soon after the Conquest, the manor of Thorpe belonged to one William, sometimes distinguished by the addition of Norwich, where he lived; and that Roger, mentioned in the Testa de Nevill, (*Testa de Nevill, Vol. II., p. 272.*) was his son, who was succeeded by Robert, therein called Fitz-Roger, who then held seven knights' fees in Thorpe, Massingham, Anmer, and elsewhere of the honour of Bononia, or Boulogne. He was sometimes styled Robert de Massingham, (*Hist. co. Norf. ut antea.*) as was Hugh his son, who was father of John de Thorpe above mentioned.

Arms: Cheque, Or. & G. a Fess, in a border Arg.

Sir John de Thorpe.

As. three Crescents, Arg.

Sir Robert de Thorpe.

* On the assessment of aid for the marriage of Maud, the king's daughter, 12 Hen. II., (*Hearne's Lib. Nig. Seucc. Vol. I., p. 283.*) Hugh Bigot, earl of Norfolk, certified that Bartholomew de Crec, (or Creke) held of him eight knights' fees. Parkin in his Topography of Freebridge Hundred and a Half, states, (*p. 101.*) that Bartholomew, son of Robert de Creke, married Margery, daughter to Geffery de Anos, lord of Vphall and Netherhall manors, in Norfolk; and thereby acquired the same, together with the manors of Flixton and Helmingham in Suffolk, as appears from a pleading at Ipswich, in the 24 Hen. III. (*Placit. ap Gippew, 24 Hen. III., Rot. 29.*) He had issue Robert de Creke, who died issueless, leaving Geffery his brother and heir, who also having no issue, John his brother became his heir; and he having no issue, Sarah his sister, wife of Roger Fitz-Peter Fitz-Osbert, became his heir; and she likewise dying without issue surviving, the inheritance fell to the Thorpes, and the Valoines, as co-heirs, in right of Margaret and Isabel, daughters of Sir Robert de Creke, sisters to Bartholomew, the father of Robert, Geffery, John, and Sarah de Creke, who died issueless, as before mentioned.

Robert Fitz-John de Thorpe, their son and heir, succeeded to the inheritance, and the 51 Hen. III.,* had a charter of free-warren for his demesne lands at Thorpe, Massingham, and Fundall, in Norfolk; Coiton, in Suffolk; and Sharpenhou, in the county of Bedford. He was one of the king's justices.†

* Cha. Rot. 51
Hen. III. m. 7.

† Pat. Rot. 18
Edw. I. m. 41.

John de Thorpe, son and heir to Robert, was a person of great eminence, inasmuch as he had summons‡ to parliament as one of the barons of the realm, from the 2nd to the 19 Edw. II., both inclusive; and in the 1st of the same reign, as one of the king's justices.§ But though his name is thus included in the Lists of Summons, of the 19 Edw. II., there is reason to suppose that he died the 17th|| of that reign, being then seised, with Alice, his second wife, of a moiety of the manor of Creak, the manors of Thorpe, otherwise *Ashwell-Thorpe*,^a Massingham, Fundall, &c., in the county of Norfolk, and divers knights' fees, as well in that county as in Suffolk. Moreover, in the said year,¶ the king's escheator had command to take into his hands the lands which John de Thorpe held at the time of his decease;^b whereof an assignation of dower was made to Alice his widow, in the year following.**

‡ Dug. Lists
of Summ.

§ Ibid.

|| Esch. 17
Edw. II. n. 61.

¶ Originalia,
17 Edw. II.
Rot. 27, Fin.
Canc. pars. 2.
** Dors. Cla.
18 Edw. II.

This John de Thorpe, 5 Edw. II., had a charter for the foundation of the free chapel of St. Mary, at Ashwell, for a chaplain to perform daily service therein to the inhabitants, and to pray for his own and wife's soul, as also for those of his ancestors and successors.

Parkin asserts,†† that he was twice married; viz. first to Agnes, daughter of —; and after to Alice, relict of Sir William Mortimer; which Alice, as already observed, survived him.^c

†† Topog. de
Freebridge,
Hun. p. 177.

Robert de Thorpe, son and heir of John, by Agnes his first wife, was about thirty years old at his father's death. He married Beatrix, daughter of Sir Edmund Hengrave, and died circ. 1330,‡‡ (4 Edw. III.) leaving the said Beatrix surviving, who resided after his death at Massingham, which with North Creak, she held in jointure.

‡‡ Esch. 4 Edw.
III. n. 34.

John de Thorpe, eldest son and heir to Robert, was fourteen years old at his father's death, and in ward to John de Claving. §§ He married Joan, who (with her sisters Lucy and Maud), was one of the daughters and co-heirs of Roger Atte-Ashe. But he

§§ Original. 5
Edw. III. Rot.
2, 4, Norf. &
Suf.

^a According to the History of Norfolk, Vol. II. p. 5., Depwade, it seems that *Ashwell* was anciently a hamlet in Thorpe, and belonged to a family which had its surname from thence; but at length Sir John de Ashwell sold it to the Thorpes, who thereupon joined the name to that of their own manor; which for distinction from other Thorpes in the same county, was afterwards denominated *Ashwell-Thorpe*.

^b Just before his death, he was joined with Sir Edmund Bacon, to treat of a match between Alphonso, eldest son to the king of Arragon, and Joan, daughter to Edward II., the day of the treaty being fixed by the patent to be holden at the Tower, 29th February.—*Rot. Pat.* 18 Edw. II. m. 22, p. 2.

^c Cotemporary with this John, and probably a younger brother, was *Sir George de Thorpe*, who was one of the Tilters at the Tournament at Stebenheath (Stepney), the 2 Edw. II. bearing then his Arms, viz. *Checky, Arg. and Gules on a Fess Arg. 3 Martlets, Sa.*

* Esch. 14
Edw. III. n.
16.

† Original. 14
Edw. III.
Rot. 20.

‡ History of
Norf. Vol.
VIII. p. 24.

died in 1340,* (14 Edw. III.) without issue, leaving the said Joan surviving, and Edmund de Thorpe, his brother and heir,† who had livery of his lands accordingly. This

Edmund de Thorpe married Joan, daughter of Robert, and sister‡ and heir to Thomas Baynard, who died seised of the manors of Colkirke and Gately, in the county of Norfolk. With regard to this lady, there was an endeavour to set her aside from the inheritance, on a suggestion of bastardy: but, on trial, bishop Bateman certified that she was legitimate. He died in 1393, (16 Ric. II.) and was buried in the chancel of Ashwell-Thorpe.

He had issue two daughters; viz. Beatrix and Joan, and several sons; namely, Edmund, his heir—John, to whom he gave all his lands in Suffolk—and Robert, on whom he settled Bunwell; which Robert, by Elizabeth his wife, had an only daughter and heir, Eleanor.

Sir Edmund de Thorpe, eldest son and heir of the preceding Edmund, was slain at the siege of Lover's Castle in Normandy, in 1417, (5 Hen. V.) being the same person, as it is presumed, who, by Hollinshed, is called the lord Thorpe. But his body was brought over and buried in the church of Ashwell-Thorpe, under a stately tomb, where both himself and lady lie; their statues being at full length of white alabaster under a wooden canopy, ornamented with the Thorpe arms, and those of their respective marriages.

He was twice married: first, in October 1368, in the lifetime of his father, to Margaret, daughter and co-heir of Richard de la Riviere, by Maud his wife, sister and heir to John, son of John le Breton, lord of Sporle;§ secondly, to Joan, daughter and heiress of Sir Robert (or Roger) de Northwode, relict of Roger, lord Scales of Neucelles.

§ Vide Breton
of Sporle.

Sir Edmund left issue only two daughters, who were his co-heiresses; viz. Joan, who married, first, Sir Robert Echingham, knight, and afterwards Sir John Clifton of Buckenham, in Norfolk, by whom she had a daughter Margaret, who wedded Sir Andrew Ogard, but died without issue.

Isabel, the other daughter, married Philip Tylney, of Boston in Lincolnshire, esq.; by which means, the Tylneys, on the failure of issue from Joan Thorpe, came to the enjoyment of the Thorpe estate.

Frederick Tylney, eldest son and heir of Philip, married Elizabeth, daughter of Lawrence Cheney, of Ditton in Cambridgeshire, and had issue an only daughter Elizabeth, who became the wife of Sir Humphrey Bouchier, eldest son and heir-apparent to John, lord Berners, in whose heirs-general the representation of the barony of Thorpe (if any was created by the writs of summons temp. Edw. II.) became coalesced with the descent of the barony of Berners, for which heirs vide Vol. I. of this work.

Having thus terminated the account of the elder branch of this ancient and honourable family, there appears to be a younger line, not less deserving of notice. Of this line, William de Thorpe, cotemporary with the first Edmund, and probably his younger

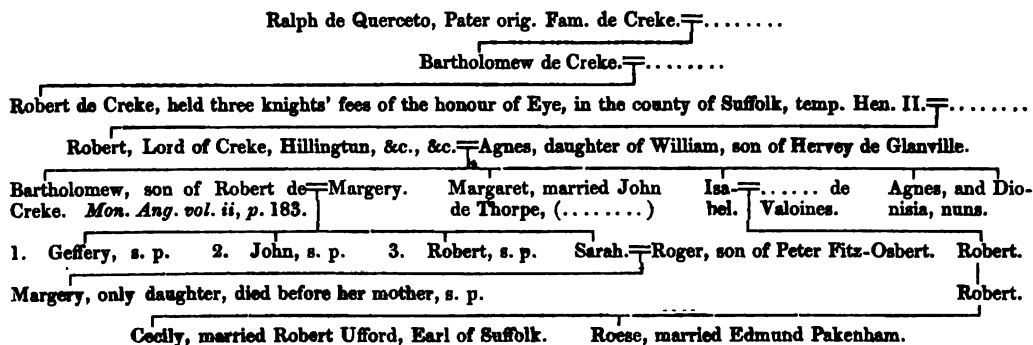
brother,* was one of the king's serjeants, and afterwards one of the judges of the Common Pleas.* Soon after which, he was constituted chief-justice of the King's Bench,† about 21 Edw. III. But in this post he was accused‡ of bribery and malpractice, though the king caused judgment to be suspended § against him, and at length pardoned || his transgressions, and restored all his goods, chattels, and estate.

The 48 Edw. III. he had a license¶ to embattle his manor-house, at Makesey, in Northamptonshire; and had summons** to parliament from the 5th to the 14th Ric. II., both inclusive, among the barons of the realm. But if this William be the same person who was the corrupt judge in the 24 Edw. III., he must have been advanced very much in years at the time of the last-mentioned writ of summons.

As this family became heir to the territorial barony of Creke, it may not be inappropriate to refer to the said barony, and show the descent of it into the house of Thorpe.

CREKE.

This barony is one of the many which are unnoticed by Sir William Dugdale, although he has mentioned divers others of far less magnitude and importance. It is one, which deserves the more attention; inasmuch as, upon the failure of the male line of the Creke family, Fitz-Osbert, who married the heir-female of Bartholomew, the last Creke, had summons to parliament among the barons of the realm; as had the family of Thorpe, before mentioned, descended from Margaret, one of the sisters of the said Bartholomew de Creke; which Margaret, with her sister Isabel de Valoines, at length became the co-heirs to their brother Bartholomew, as aforesaid.



* This William is stated to have had also a brother Robert, who was first one of the king's serjeants anno 1346; (*Chro. Jur.*) afterwards, in 1357, chief-justice of the Common Pleas; (*Chro. Jur.*) and, in 1371, (45 Edw. III.) chancellor (*Rot. Pat. 45 Edw. III. m. 21.*) of the realm.

Of this name there was likewise another eminent person; viz. Thomas de Thorpe, who, 37 Hen. VI., was one of the barons of the exchequer. (*Rot. Pat. 37 Hen. VI. m. 21.*) He was likely the same person who, 31 Hen. VI., was chosen speaker of the House of Commons, (*Rot. Parl. Vol. V. p. 227.*) and afterwards imprisoned; on which occasion the House petitioned (*Rot. Parl. Vol. V. p. 289.*) for his liberation, according to their privileges; but the Lords would not consent, and directed the Commons to choose a new speaker, who thereupon elected Sir Thomas Charlton, knight.

* Rot. Pat. 16 Edw. III. m. 13.
† Chro. Jur.
‡ Rot. Pat. 24 Edw. III. p. 3.
§ a tergo, m. 3.
¶ Ibid.
|| Ibid. 25 Edw. III. m. 17
¶ Ibid. 48 Edw. III. m. 20
** Dug. List of Summ.

TREGOZ-HENRY.—(22 EDW. I.)

* Cha. Rot. 41
Hen. III. m. 3.
† Ibid. 55
Hen. III. m. 7.

Henry Tregoz, 41 Hen. III., had a charter for free-warren* at his manors of Garringes, Dodesham, and Waldrington, in Sussex; and in the 55th of the same reign,† had another charter for the like privilege, for his manor of Preston, in the said county of Sussex.^a

‡ Dug. Lists
of Summ.

Of this Henry Tregoz, Dugdale is silent; yet it may be well imagined, if he was not the same person, that he was father of that Henry Tregoz who, 29 Edw. I., was one of those barons who, though not summoned to the parliament at Lincoln,‡ where many of the nobles of the realm subscribed the letter to the Pope respecting the king's supremacy over the realm of Scotland; nevertheless had his seal affixed, and was styled "Dñs de Garinges."

§ Ibid.

The name of Henry Tregoz is included in the Lists of Summons to Parliament in the 22 Edw. I., and from the 32nd of that reign, to the 16 Edw. II., inclusive:§ but it can scarcely be conceived, that the Henry who, 41 Hen. III., obtained the charter for free-warren at his manor of Garinges, &c., can be the same person as the Henry so summoned to parliament as before stated—the period from that time to the 16 Edw. II. being (both inclusive) full sixty-five years.

|| Cha. Rot.
33 Edw. I. m. 5.
¶ Ibid. 6 Edw.
III. m. 52.

In 33 Edw. I.,|| a Henry Tregoz had a license for free-warren at Wikenholt in Sussex; and in 6 Edw. III. the like privilege at the same place.¶ Now, if the whole related to one person, the space of time would then embrace seventy-four years.

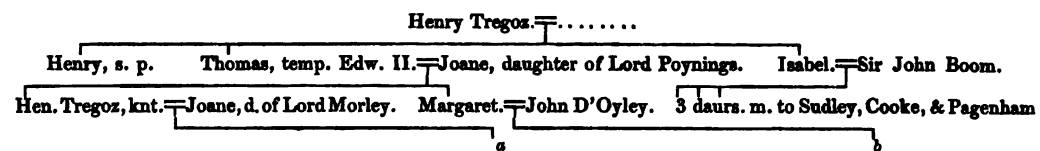
** Cha. Rot.
1 Edw. II. In
Dorso. m. 12.

But while Dugdale does not honour either Henry Tregoz, or Thomas hereafter mentioned, with any notice as parliamentary barons, yet in that character Henry Tregoz was summoned to attend at the coronation of Edward II.,** along with his consort.

†† Vide
Harl. MSS.
No. 173, Ped.
of Tregoz,
fol. 82.

According to Vincent, Henry Tregoz of Sussex, was second son of Robert Tregoz, by Julian, daughter of William de Cantilupe; which Robert was son of Robert Tregoz, and Sibylla Ewias.††

TREGOZ.—HARL. MSS., No. 1174. (133).



^a The name of Henry Tregoz appears before this time: for in the pipe roll of the 3rd of king John, Henry Tregoz is mentioned as paying scutage for his lands in Sussex, holden of the honour of Arundel; and in the same roll is also mentioned a Thomas Tregoz, who gave XL. s'. p'. hn'da recogn' cont' sic' in R' p'ced'

^b In the first summons, the 11 Edw. II., to the parliament called to meet at Lincoln, (*Claus. in Dorso. m. 14*) the name of Henry Tregoz is twice mentioned; but the meeting of this parliament was prorogued, wherein the writ for its subsequent meeting, the name of Henry Tregoz is omitted; but that of Thomas Tregoz is inserted, which seems to intimate that there was an error in putting the name of Henry, a second time.

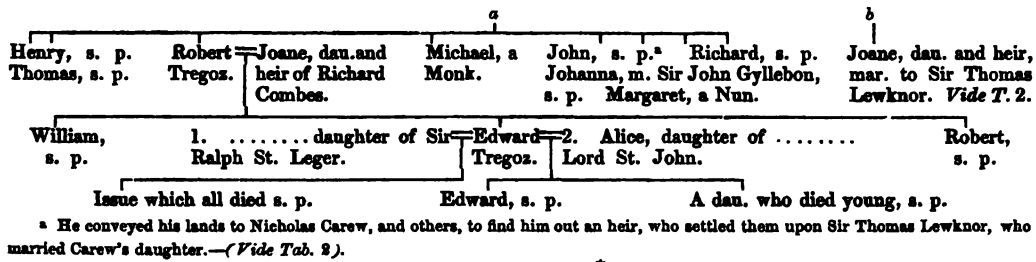
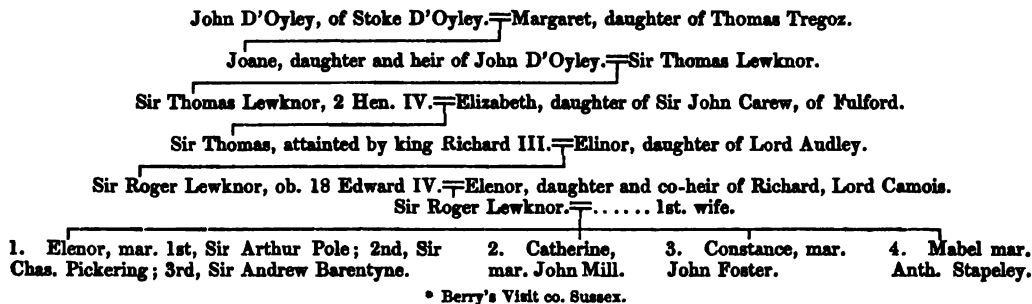
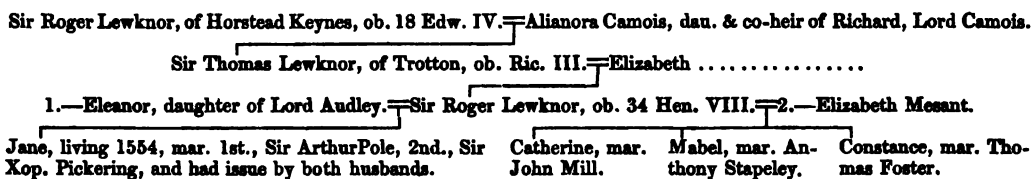


TABLE II.*



But this statement of Mr. Berry, on the faith of a county visitation, is partly contradicted by the pedigrees submitted to the House of Lords on the late claim to the barony of Camois by the respective claimants, *viz.*—



TREGOZ-THOMAS.—(11 Edw. II.)

Thomas Tregoz, 11 Edw. II., had summons, *cum cæteris magnatibus et proceribus*,* to a parliament convened to meet at Lincoln, but which was afterwards prorogued to the morrow of the Holy Trinity, to meet at the same place, when he was again mentioned in the writ, summoning the peers then to attend.† But this proposed meeting of parliament was again put off, by reason the Scots had assembled a great army, and had invaded the kingdom; wherefore, instead of attending parliament, the earls and great barons were called upon to bring their military quotas to York; and in the summons of service on this occasion, the name of Thomas Tregoz is included among those of the peers of the realm.‡

This service was prorogued, and another writ of summons issued for meeting at the same place, on the morrow of St. Bartholomew; and in this writ the name of Thomas Tregoz is again inserted§ with those of the earls and barons. Furthermore; he had a

* Cla. Rot. 11 Edw. II. in dorso m. 12.

† Ibid m. 8.

‡ Ibid 2 & 3.

§ Ib. 12 Ed. II in dorso. m. 30.

* Dug. Lists
of Summ.
† Cha. Rot.
5 Edw. III.
n. 5.

repetition of the like writs of summons, along with the earls and barons, in 6th, 8th, and 9 Edw. III.*

This Thomas had his lands in Sussex, chiefly, and, 5 Edw. III.,† had a charter for free-warren in his manor of Garringes, and at Preston, Ham, Bargham, Storeshton, Perham, Gretham, Waldrington, and Dodesham, all in the said county; likewise for Bageley, in Kent; which indicates, that if not the son, he was the successor of Henry Tregoz in several of these manors, particularly Garringes, Dodesham, Preston, and Waldrington; for which, as before observed, Henry Tregoz had obtained a charter of free-warren in the reign of Henry III.^a

Henry Tregoz, 22 & 29 Edw. I. —————

Thomas, sum. to parl. 11 Edw. II. & postea.	Sir Robert.	John Tregoz, — <i>Esch. 5 Hen. IV.</i> — John, son of Henry Tregoz. The jury found that Thomas Lewknor, <i>etatis</i> 12, was his next heir, being son of Roger Lewknor, son of Joan, daughter of Margaret D'Oyley, sister of Henry, father of the said John.
Edward, <i>Probatio etatis</i> , son of Sir Robt. Tregoz. — <i>Esch.</i> 22 Ric. II. (Sussex). ob. circ. 1 Hen. IV. — <i>Vide Esch.</i> John, brother of Sir Robert, his heir, <i>et.</i> 40 (Essex).		

TRIKINGHAM.—(8 Edw. II.)

† Chr. Jur.
Rot. Pat. 34
Edw. I. m. 27
§ Ibid. 1 Ed. 11
m. 21
|| Dug. Lists
of Summ.

Lambert de Trikingham was a justice of the Common Pleas‡ in the time of Edward I., and was so continued on the accession of Edward II.§ He was afterwards one of the barons of the Exchequer, and in his capacity of one of the king's justices, had summons to parliament; but, in the 8 Edw. II.,|| his name was included among those of the barons of the realm, by reason that the judges and king's counsel are in that writ promiscuously inserted with the peers. It however, is to be remarked, that, in divers preceding years, the earls and barons were summoned to parliament,¶ by one and the same writ as the king's justices; and, in those writs the name of Lambert de Trikingham is contained.^b

¶ Ibid. 9th,
11th, 12th,
13th, and 14
Edw. II.

** Testa de
Neville, vol. II
p. 533. et alibi.
†† Ibid.

The family of Trikingham was of Lincolnshire, and denominated from a place of the same name, where it is recorded,** that Gilbert de Gaunt was seised of a fifth and a fourth part of a knight's fee in Trikingham and Walcot, which Hugh de Trikingham, and Maud, his mother,†† then held.

‡† Cha. Rot.
29 Edw. I. n. 23
§§ Ibid. 2 Edw.
III. n. 76.

In 29 Edw. I.,‡† Lambert de Trikingham had a charter for free-warren, at his demesne of Somerdebye in Lincolnshire; and the 2 Edw. III., had a grant§§ of a market and fair at Trikingham, in the county aforesaid.

||| Esch.
3 Edw. III.
n. 73, p. 2.

Shortly after this, he had license||| to endow the church of Helptrynham with certain lands there, and at Hale-parva, for the maintenance of a chaplain.

^a Vide Harl. MSS., No. 173, extent of the M of Garyngges, (holden of Robert de Montalt, per serv. 5½ Feod. Mil. made 14 Edw. II., Thomas Tregoz then being there.—(Vide Rot. Parl. v. ii., p. 417, No. 222). John Tregoz, *tres-aol meisme cesti Thomas qi heir il est.*

^b He with Edmund Deyncourt, and John de Camberwell, were assigned in the parliament at Westminster, 8 Edw. II., to enquire respecting the Pet'on of the co. of Notts., about the repairing of Bridges, &c.—(Rot. Parl. v. i. p. 333).

At the coronation of Edw. II., he was one of those who were summoned to attend, among other of the judges and king's council.

UVEDALE.—(6 Edw. III.)

This name has been variously written—as D'Ovedale, Uvedale. It has been a very numerous family, and possessed of considerable estates in several counties of England.

John de Uvedale, 32 Edw. I., had a charter* for a market and fair; together with free-warren, at his manor of Tacolneston, otherwise called D'Ovedale,^a in the county of Norfolk;† as also for free-warren, in his demesnes at Tichese and Badnsted, in Surrey. Moreover, 35 Edw. I., he had another license‡ for a market and fair at Tacolneston.

This John was a great benefactor to the canons of Walsingham in Norfolk, and gave§ to them his manor of Bedingham; upon which an inquisition *ad quod damnum* being taken, the jury presented, "That besides the manor of Bedingham, which John de Uvedale gave the canons of Walsingham: he, at that time, had his manor of Tacolneston, and several lands and tenements in Neuton Flotman, to the value of £40., which would fully satisfy all customs and services, as well of the manor so given, as of the lands remaining in scutage, view of frank-pledge, aid, tallages, wards, fines, redemptions, amerciements, contributions, and all emergencies; and that the said John might still be put on all assizes, juries, and recognitions as before the said gift, so that the county would not be more charged than before the said John had given the said manor." This statement may in a great measure show the reason for enacting the statute of Mortmain.

The aforesaid John de Uvedale deceased 15 Edw. II.,|| being then seised of the aforesaid manor of Tacolneston, lands at Neuton-Flotman, with other lands in the counties of Surry and Cambridge. By Isabel his wife¶ he had issue Peter, his son and heir; which

Peter de Uvedale, performing his homage, had livery of his inheritance the same year** wherein his father departed this life. This Peter appears to be the same who, in the 6th, 7th, 8th, and 9 Edw. III.,†† had summons to divers parliaments among the barons of the realm; but after that period, he is no more noticed, nor any of his family as of baronial rank. He married the lady Margaret Dinham, but died s.p., leaving John his brother and heir.‡‡

^a Upon the assessment of aid for marriage of Maud, the king's daughter, 12 Hen. II., Richard de Luci then certified (*Hearne's Lib. Nig. vol. i. p. 235.*) that *Hugh, the son of Hamel*, held of him, in Tacolneston, one knight's fee; which Hugh is deemed, by the History of Norfolk, to have been the progenitor of the above-mentioned John D'Ovedale, or Uvedale.

N.B.—Sir John Uvedall, (or Udall,) was one of the knights who attended Edw. I. to the siege of Carlarverock.—Sir Peter Uvedall sat as a baron in parliament; Nicholas Uvedall was Constable of Windsor, temp. Edw. III.; John Uvedall was sheriff of Sussex and Surrey, temp. Hen. V. and VI.; also, William Uvedall was sheriff of Sussex and Surrey the 8th of Hen. VI.—*Vide Philpot's Kent*, p. 111.

* Cha. Rot. 32 Edw. I. n. 64.

† Hist. of Norf. Vo. II. p. 159-60. Depw. ‡ Cha. Rot. 35 Edw. I. n. 50. § Hist. of Norf. ut antea.

|| Esch. 15 Edw. II. n. 26. ¶ Inq. ad Quod Dam. 15 Edw. II. n. 78.

** Originalia 15 Edw. II. Rot. 17. †† Dug. Lists of Summ.

‡‡ Cla. Rot. 14 Edw. III. p. 1. m. 49.

John de Ovedale, or Uvedale, ob. 15 Edw. II. = Isabel, d. and h. of Gilbert Etton, by Alice, dau. of John de Tichesey.
 Peter, ob. s. p. = Margaret Dinham. John, b. and h. to Peter s. p. Thomas, b. & h. to John, ob. 40 Edw. III. = . . .
 John Uvedale, Sheriff of Surrey, 4 Hen. V. = Sibyl, or Isabel, daughter and co-heir of Sir John Simmes, knight
 William of Tichesey, 16 Hen. VI. Joane, daughter of . . . = John Uvedale, of Tattesfield, 17 Hen. VI.
 William Uvedale. Agnes, daughter of Guy. Sir Thomas Uvedale, of Wickham, Hants, and Tichesey, Surrey. Elizabeth, daughter and heir of Thomas Foxley.
 Sir William Uvedale, of Wickham, Hants. Henry Uvedale, of More Crichill, Dorset.

VEEL.—(16 Edw. III.)

* Originalia
10 Edw. III.
Rot. 5.

† Dug. Lists
of Summ.

‡ Esch.
17 Edw. III.
n. 55.
§ Leland's
Itin. Vo. VI.
p. 45.

Peter le Veel, 10 Edw. III.* had the custody of the county of Devon, and of the castle of Exeter, committed to his charge; and in the 16 Edw. III., was one of those who, in the character of a baron, had summons to a great council then summoned to meet;† but he died shortly afterwards,‡ being then seised, with Catharine his wife, of the manors of Tortworth and Charfield in Gloucestershire, Norton-Veel, juxta Taunton, in the county of Somerset; lands at Vele-halle in Devonshire; and the manor of Abbyngton in Wiltshire.‡

This family was of high reputation, and very great antiquity,§ as the following table of descent may show:—

Jeffery le Veel, temp. king John = Maud, daughter of Elias Harding at Berkley, of Huntingford.
 Henry le Veel, 37 Hen. III. = daughter of
 Robert le Veel, 25 Edw. I. = Hawise, daughter of — Gore, of
 Sir Peter of Tortworth, in the county of Gloucester, jure uxoris, 5 Edward III. = Hawise, daughter and heir of Nicholas Kingston, of Tortworth.
 Sir Peter, of Charfield, in the county of Somerset, jure uxoris, ob. 20 Richard II. = Cicciy, daughter and heir of John Massy, of Charfield, in the county of Somerset.
 Sir Pierce le Veel = Catharine, daughter of Sir John Clyvedon.
 Thomas.—(Vide Fosb. Glouc. vol. ii. p. 39.) = Hawise, daughter of Torrington.
 John, ob. circ. 9 Hen. VI. = Margaret, daughter of
 Sir John le Veel, sheriff of the county of Gloucester, 31 Hen. VI., ob. 36 = Alice, daughter of Brooksby.
 Robert le Veel = Elizabeth, daughter of John Poyntz, Esq.
 Alice, sole daughter and heir, married Sir David Matthews, and had five daughters, her co-heirs; whereof Margaret, the eldest, married Sir William Throckmorton, knight.

* In Thynne's Chronicle, it is noticed that Sir Piers de Veile, and Henry, his son (most likely a younger one) was drowned in returning from the war in France, anno 1343.

VERE, HUGH.—(27 EDW. I.)

Hugh de Vere, a younger son of Robert, earl of Oxford, by Alice his wife, daughter and heir of Gilbert, called lord Sanford, was a very eminent person in his time, and had summons to parliament among the earls and barons of the realm, from 27 Edw. I. to 11 Edw. II., both inclusive.* In 29 Edw. I., he was one of those who subscribed the letter,† sent by the nobility of England to the pope, touching the king's supremacy over the realm of Scotland, at which time he was denominated "Dñs de Swaneschaump."

* Dug. Lists of Summ.
† Ibid.

In 21 Edw. I., he was in the wars of France; and, 24 Edw. I., he was sent one of the ambassadors, to conclude a truce with the French king; and was similarly employed the following year; when, for his good services, he had a special livery of the lands of William, the son of Warine de Munchensi; whose daughter and heir, Dionysia, he had married, though she was not then of full age; and, 32 Edw. I.,‡ he did fealty for her inheritance, whereof he had (as before mentioned) livery.

‡ Rot. Fin. 32 Edw. I. m. 2.

The 1 Edw. II., he was summoned, as a baron, to attend the king's coronation;§ as was also his wife, Dionysia,|| who died the 7 Edw. II., without issue; for then Adomarc de Valence, son of the lady Joane Valence, was found to be her next heir.¶

§ Clau. Rot. 1 Edw. II. in dorso. m. 12.
|| Rymer, Tom iii. p. 52. 60.
¶ Esch. 7 Edw II. n. 51.

VERE, THOMAS.—(15 EDW. II.)

Thomas de Vere, nephew to Hugh, before mentioned, and only son and heir-apparent to Robert, earl of Oxford, was of great note in the lifetime of his father, and served in the wars of Scotland. In 34 Edw. I., he received the order of knighthood, by bathing with prince Edward, the king's son. In 1 Edw. II., he attended at the coronation, being then styled Thomas de Vere, son and heir of the earl of Oxford.*** In the 12 Edward II., he was again in the wars of Scotland; and, 15 Edw. II., has his name mentioned in the writ†† whereby the earls and barons have their attendance to the parliament at Doncaster, forbidden. In the 18 Edw. II., he was guardian of the coasts of Essex. He married Agnes, widow of Pain Tiptoft, but died before his father, without issue.‡‡

** Collins's House of Vere.

†† Clau. Rot. 15 Edw. II. in dorso. m. 23.
‡‡ Esch. 5 Ed. III. n. 71.

JOHN DE VERDON.—(6 EDW. III.)

This person is totally unnoticed by Sir William Dugdale, in his History of the Ancient Baronage of England; but his name nevertheless is contained§§ in the Lists of the Nobility of the realm, who had summons to parliament in the 6th, 7th, 8th, 9th, and 16 Edw. III.||||

§§ Dug. Lists of Summ.

|||| Clau. Rot. ejus. annor.

* Though Collins in his History of the house of Vere, makes this assertion, the name of Thomas de Vere does not appear in the roll of summons among the barons; but that of *Hugh de Vere* is therein mentioned. He might have summons to attend nevertheless as an earl's son.

From what line of the Verdon family he was descended, is nowhere noted, inasmuch as no peerage-writers have made any mention of him. The first dynasty of the Verdon terminated in the principal male branch, about the reign of Henry III.; in an heir-female, Roese de Verdon, who having married Theobald le Butiller of Ireland, gave her own surname to her issue; whereof Theobald, the last Butiller, otherwise called Verdon, died temp. Edward II., having had issue two sons, John and William, and divers daughters, who eventually proved his co-heirs.*

* Dorm. and
Ext. Peer.
Vol. II. tit.
Verdon.

But besides this house, there seems to have been a stock of the same name, which long continued in the male line, and flourished in the county of Norfolk. Of this stem, William de Verdon was enfeoffed by Roger, father of Hugh Bygot, with six knights' fees, of which Brisingham† in Norfolk was reckoned as two. This enfeoffment was about the year 1100, if not before. After him, another

† Blomef.
Vol. I. p. 49.

William de Verdon was lord of Brisingham, and on the assessment of aid for marriage of Maud, the king's daughter, is named in the certificate of Hugh le Bigot as holding the said six knights' fees of him in the county of Norfolk.‡ To him succeeded

‡ Lib. Nig.
Vol. 1. p. 284.
§ Ibid p. 50.

Bertram de Verdon, who lived at Brisingham§, and was also lord of Moulton, whose son

|| Pip. Rot.
12 Joh.
¶ Cart.
2 Hen. III.
m. 8.

Wido, called also Hugh de Verdon,|| gave king John £100., that he might have license to marry Petronilla, widow of Henry de Mara, and also possess her lands.¶ His successor was

Sir John de Verdon, knight, who settled Brisingham on himself for life; remainder to Thomas his son, and Thomasine his wife; and, in default of heirs, then to John another son, who, in 1280, inherited accordingly, and was a ward to the earl marshal; which last-named

John de Verdon, in 1285, claimed *view of frank-pledge, assize of bread, and ale, infangthef, gallows, and free-warren*, in his manors and lands in Norfolk; viz. at Brisingham, Multon-Magna, Saxlyngham, and Reydon: all which privileges had been granted to his father by Henry III., as the charter then produced, evidently proved.

John de Verdon, his son and heir, held his lands in 1300 of the earl of Norfolk, as his predecessors had done, and died probably soon after, as

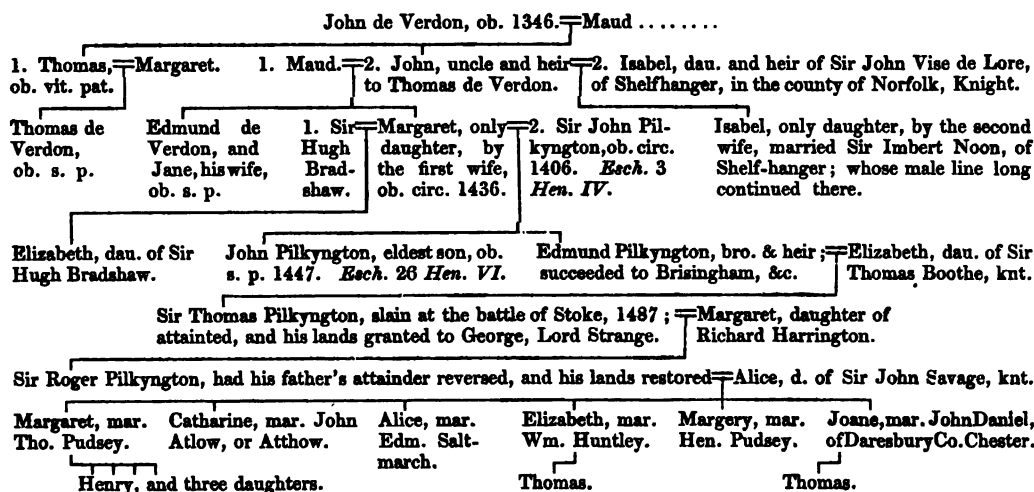
Thomas de Verdon, in 1302 and 1306, held in Brisingham, Moulton, Saxlingham, Aslacton, Tibenham, Hapeton, Shadnfield, and Forncet, eight knights' fees of the earl marshal. He died about the year 1315, leaving

Sir John de Verdon, his son and heir, who succeeded to the Norfolk estates, but removed his capital seat from Brisingham to Martlesham in Suffolk. He seems to have been a person of great hospitality, from the inventory** of the establishment he left at Brisingham, to treat his tenants, &c., whenever he should go thither to reside.

** Blomef.
Vol. I. p. 51.

He died in 1346, the 19 Edw. III., and from his considerable estate, consequence,

and the æra, at which he lived, may be considered that John de Verdon, who had summons to parliament among the barons of the realm, in the 6th, 7th, 8th, 9th, and 16 Edw. III., as before observed. But the line of this eminent person at length terminated in female co-heirs, as the annexed table of descent will more particularly explain :—^a



WAKE.—(24 Edw. I.)

Ralph Wake, 24 Edw. I., had summons,* with other eminent persons, to attend a great council, to be holden at Newcastle-upon-Tyne, well furnished with horse and arms, and to consult upon the expedition then contemplated to be made into Scotland.

This Ralph was a younger branch† of the Wakes, of Lydel, who were barons of great consideration; but how descended from, or connected with them, is not established. In the 18 Edw. I.,‡ he had a charter for free-warren in his lands at East and West Dovelish, and Compton Martin, in the county of Somerset; and at Stoke in Blackmore, Gorwell, Caundel, Baymin, Hull, and Stureweston, in Dorsetshire.

According to Hutchins,§ this Ralph was son and heir of Andrew Wake, which Andrew was the son and heir of Hawyse Wake, and in 28 Hen. III., had livery|| of his mother's lands in the county of Dorset; who, from this circumstance, seems to have

^a In the great Tournament at Dunstable, the 7 Edw. II., a Sir John de Verdon is mentioned as one of the Tilters, bearing for his arms, "*Sab. ove un Lyon Rampant Arg.*" At this Tournament also was Thomas de Verdon, son frere, who bore meismes les armes, *un rok (a Chess Rook) de Goules un Lapaule de Lyon*. He was likewise in the Tournament at Stebenhithe, the 2 Edw. II.; his Arms then being *Sa. a Lion rampant, Arg. langued Gu.*

* Dug. Lists of Sum.

† Hutchin's Dorset, Vol. II. p. 34.

‡ Cha. Rot. 18 Edw. I. n. 67.

§ Hutchin's Dorset, Vol. II. p. 448.
|| Originalia, 28 Hen. III. Rot. 3. Dors.

been the heiress of that inheritance, and, most likely, was the daughter of Cosyn, or Cousin, the name of a family, which held the said lands before the Wakes.

He is said to have come to his death by the unnatural contrivance of Alice his wife, who was afterwards tried, and burnt,* according to her sentence for the said offence.

* Hutchin's
ut antea.
† Esch. 22
Edw. III. n. 46.

John Wake, son and successor to Ralph, died about the 22 Edw. III.,† being then seised of the manors and lands whereof his father had been theretofore possessed: when his heirs were his daughters, Isabel, wife of John Keynes,—Margaret, wife of Hugh Tyrel,—and Elizabeth, who married Richard Michell:‡ among whom the inheritance became divided.

‡ Ibid. 34
Edw. III. n. 69.

WALEYS.—(14 EDW. II.)

Richard Waleys, 14 Edw. II., had summons to a parliament convened to meet at Westminster in twenty-one days from the Nativity of St. John the Baptist, there to treat upon the affairs of the kingdom, *cum cæteris magnatibus et proceribus regni*.§

§ Clau. Rot.
14 Edw. II. in
Dorso. m. 5.

After this, a parliament having been proposed to be assembled at Doncaster, by the earl of Lancaster, to which the nobility and commons were required to attend and advise upon the grievances of the nation, his Majesty, by his special writ|| addressed to his principal nobility, forbade them to be present at the said assembly; and, on this occasion, the name of Richard Waleys is again included among the earls and barons. But after this period, his name is not contained in any further writ of summons to parliament.

|| Ibid. 15 Edw.
II. in Dorso.
m. 23.

The name and family of Waleys was of great antiquity in Yorkshire; for when Stephen Waleys (father,* as it is presumed, of Richard) was questioned by what right he claimed to have free-warren in Hilton and Helaw, in that county, he defended the same, by producing the charter of Henry II.¶

¶ Quo. War
9 Edw. I. Ebor.
** Esch. 10
Edw. II. n. 67.

This Richard probably married Alianor, relict of Robert Brus, of Connington,** and had issue a son Stephen, who, however, was more likely by a former wife.

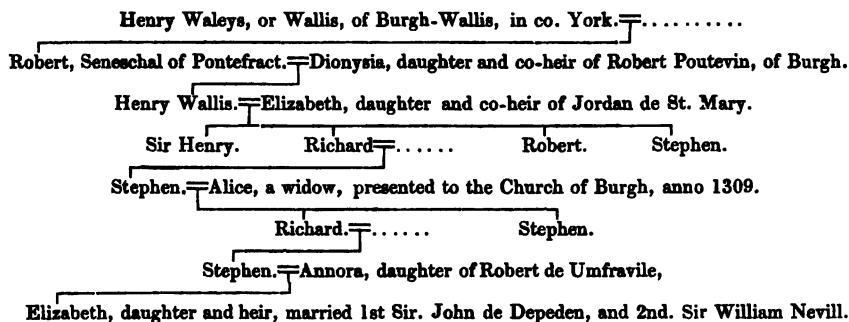
Stephen, by the description of *son of Richard Waleys*, in 6 Edw. III., had a charter of free-warren†† for his lands at Burgh-Waleis, Newton-Wales, Hanley, Cotyngley, and Dunsford, all in the county of York. His wife, according to Dugdale‡‡ was Annora, or Eleanor, daughter of Robert Umfraville, earl of Angus. By his will, proved in 1347, he desired to be buried§§ in the priory of Helaw, in the county of York.

†† Cha. Rot.
6 Edw. III. n.
2.

‡‡ Dug. Bar.
Vol. I. p. 507.
§§ Burton's
Monast. Ebor.
p. 187.

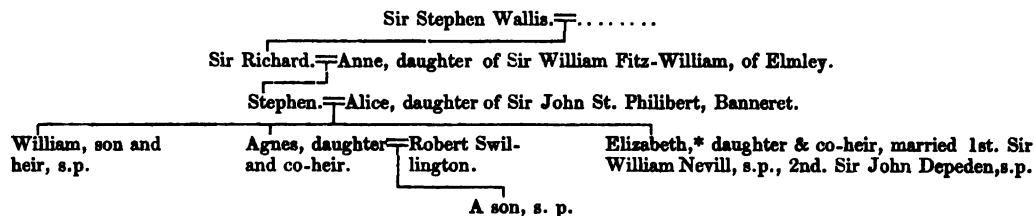
* This Stephen (according to a MS. in the Bodleian Library) had a son Sir Richard; who, by Anne, daughter of Sir William Fitz-William, of Elmley, had a son Stephen; who by a daughter of Sir John St. Philibert, had a son, who died s.p., and two daughters,—Agnes, who married Robert Swillington.—and Elizabeth, who married, first, Sir William Nevill, and secondly, Sir John Depeden. Sir William Vavasour, of Yorkshire, married Nichola, daughter of Sir Stephen, and sister to Sir Richard Waleys of Newton.—*Coll. Baron.*

N.B.—Vide No. 1406, Harl. MSS. Visitation of Sussex, at folio 127, notes concerning the families of Morley, Sir Richard de Walleys, and Sir Robert de Kendall.



Hunter in his *Deanery of Doncaster*, (vol. ii., p. 484,) asserts that she had a daughter who became heiress to herself, and to the line of Burgh-Wallis, which daughter married Sir William Mowbray, whose son, or grandson Alexander, left Elizabeth his daughter and heiress, who married Sir William Gascoigne of Gawthorpe, which Sir William died anno 1418. (Vide ped. of Wallis and Gascoigne, in Hunter.)

Dodsworth, Vol. 81, No. 5022, p. 216.



* Living 21 Ric. II., being then the wife of Depeden.

There was a Sir John de Waleys, one of the Tilters at the great Tournament at Stebenhithe, the 3 Edw. II., who bore for arms *Ermine a Bend Gu.*; but his name does not occur in either of these pedigrees.

WATEVILL, OR WATERVILLE.—(20 EDW. II.)

Robert de Watevill,* or Waterville, 20 Edw. II., had summons to attend a parliament at Westminster,* *inter ceteros procures et magnates regni*; and, in the 1st, 2nd, 3rd, and 4 Edw. III., had the like summons with the nobility of the realm. In the 32 Edw. I. (if he be the same person), he had a charter for free-warrent† at Overton-Waterville,

* Clau. Rot.
20 Edw. II. in
dorso. m. 4.
† Cha. Rot. 32
Edw. I. n. 23.

* He was concerned in the seizing, detaining, and the death of Piers de Gaveston, the great favourite and Gany-mede of Edw. II., for which he afterwards had license of pardon, and the 18 of Edw. II., was a commissioner of array for Hampshire.

This family made a conspicuous figure in the reign of Edw. II.: for, at the great tournament at Stebenhithe, (Stepney), anno 2 of Edw. II., there were no less than three of the name among the famous tilters, viz. Sir Robert Watevill, who bore for arms: *Arg. three Chevronels, G., a Bordure indented Sa.*

Sir Roger de Wateville: *Arg., three Chevronels Gu., in Canton a Martlet Sa.*

Sir Geoffrey Wauteville: *Sa. Semee of Cross Croselets, a Lion Rampant Arg., langued Gu.*

* Gro. Fin.
9 Edw. II.
Rot. 20.

in the county of Huntingdon; and, in the 9 Edw. II., fined forty shillings for license,* to give certain lands at Overton-Watervill, and Ashele, in Huntingdonshire, to found a chantry at St. Mary's, at Ashele.

† Dug. Bar.
Vol. 1. p. 438.
‡ Collins's
Parl. Prec.
p. 385.
§ Lib. Nig.
Scacc. Vol. 1.
p. 294.
|| Matt. Par.
p. 852.

This name is very ancient, of which — Watevill, or Waterville, married Asceline, one of the sisters and co-heirs of William, the son of Pain Peverell, baron of Brune,† in the county of Cambridge, and had issue Roger Wateville, of Thorpe,‡ who had issue.

In the time of Hen. II.§ Robert Watevill held three knights' fees of the honour of Clare in Suffolk; and a Berenger de Waterville, was one of those great men, on the part of the rebel barons, who were taken prisoners by the royal army at Northampton.||

¶ Cha. Rot.
4. Joh. m. 16.
** Ibid.
38 Hen. III.
m. 13.
†† Morant's
Essex. Vol. II.
p. 406.

There was a family of this name of much repute, in the county of Essex; whereof a Robert de Watvile held Hampsted, in the time of Richard I., which was holden by his son William in the time of king John,¶ and also in the reign of Hen. III., when William Waterville had a charter of free-warren for Hamsted and Pamfield, in Essex.**

William, only son of the said William, according to Morant,†† married the daughter and heir of Robert Roos, of Radwinter, and had an only son John, who had issue also an only son John, who died issueless, and a daughter Joan, who was married, first, to Richard de Mutford; and secondly to William de Langham.

‡‡ Monast.
Anglic. Vol. 1.
p. 640.
§§ Ib. p. 641.

In the 10th of king Stephen, William de Waterville gave the manor of Warlingham to the convent of Bermondsey, with the consent of Robert his son; ‡‡ and, it is likely, was the same person who, with the consent of his sons (Robert, William, and Ottwell) gave the adowsons of the churches of Warlingham and Chelsham to the said convent.§§

WHITYNGTON.—(25 EDW. I.)

||| Clau. Rot.
25 Edw. I.
in dorso. m. 25

John de Whytington,* 25 Edw. I., was called by writ to attend a parliament summoned||| to meet at Salisbury, on the feast-day of St. Matthew the Apostle, *cum quibusdam aliis proceribus, et magnatibus regni*; and in the same character of a baron, he had a summons of service to be at Newcastle-upon-Tyne, on St. Nicholas's Day, the same 25 Edw. I.¶¶ But his name is not mentioned in any subsequent writ of parliamentary summons.

¶¶ Ib. m. 20.
cedula.

*† Fosbrook's
Glouc. Vol. II.
p. 231.

The family of Whittington was of great consideration at Pauntley, in the county of Gloucester, which they obtained by marriage*† with the heiress of Solers, of Pauntley. But whether the aforesaid John de Whityngton was descended of the said house, is not set forth. The Pauntley line terminated in the main branch in 1346, by the death of

* This name is rendered memorable, as being the same so historically recorded in that of Richard de Whitynton, the famous, thrice lord mayor of London.—*Vide Maitland's History of London.*

Thomas Whittington, who left only female issue, married into the families of St. Aubyn, Berkeley, Bodenham, Throckmorton, Nanfant, and Poole of Saperton.

WOGAN.—(35 EDW. III).

This is the name of an ancient and highly distinguished family, which was particularly eminent in the kingdom of Ireland. Of this house,

John de Wogan, 23 Edw. I., was appointed justice of all Ireland, by patent dated at Westminster, 18th October.* He shortly afterwards passed over to that realm, and took the justice-seat, where he continued for some years† to exercise the difficult and important duties of that high station, with great credit, energy, and ability.‡ In 1308, the 2 Edw. II., he returned to England in the autumn;§ and William Bourke was appointed keeper of Ireland in his absence. He afterwards, however, went thither again, and attended the parliament which was holden at Kilkenny, in 1309, on the Octaves of the Purification of the Virgin Mary.

* Rot. Pat.
23 Edw. I.
m. 3.
† Ibid.
1 Edw. II.
m. 7.
‡ Camden's
Annals of
Ireland.
§ Ibid.

But in 1312, the 6 Edw. II., he came back to England, and Sir Edmund Butler was first nominated his deputy, and afterwards justiciary of Ireland in his room. The time of his death is unnoticed; but it seems, that his wife, styled|| the lady Margaret, deceased in Ireland before him, on the third day before the Ides of April, anno 1302.

|| Ibid.

But this John could not be the same who had summons the 35 Edw. III., as the period back from that time to 23 Edw. I., when he was appointed justice of Ireland, would be upwards of sixty-five years; it is therefore more likely that the

John Wogan, who had the said summons of 35 Edw. III., to attend at Westminster, to consult on the affairs of Ireland, was son of Sir Thomas Wogan, who was the king's escheator in Ireland, and died 31 Edw. III.,¶ being then seised of the manor of Kilta, with several other lordships in Ireland; and likewise of the half of the manor of Wiston, with Picton and the castle of Pembroke, in Herefordshire and Pembrokeshire, in England; of which John Wogan, his son and heir, had livery the same year.** The manor of Kilta, &c., in Ireland, were holden of Roger Mortimer, by the service of four knights' fees.††

¶ Esch.
31 Edw. III.
n. 34.

** Originalia.
31 Edw. III.
Rot. 13.

†† Pat Rot.
31 Edw. III.
m. 10.

The manor of Picton was acquired by the marriage of Sir John Wogan, of Wiston, (the ancient seat of the Wogans), with the daughter and heir of Sir William Picton, of Picton Castle; whose ancestor had the same from Arnulph de Montgomery, in the time of William Rufus.

By the heiress of Wogan, the castle, &c., came in marriage to Owen Done, of Muddlescombe, by whose grand-daughter, and heiress, married to Sir Thomas Philips, knight, the same passed to that family,‡‡ in which it has subsequently continued, and whereof the late Sir John Philips, who was created baron of Milford, died seised in 1823.

‡‡ Ex. Inf.
Dom. Milford.

* Pat. Rot.m. 15. A Walter Wogan, 15 Edw. II.,* was a justice of the Pleas in Ireland, and, 21 Hen. VI.,† a Richard Wogan was chancellor of Ireland; but in England the name is not recorded as having filled any very high official situations.

WYNDESOR.—(24 EDW. I.)

‡ Dug. Bar. Vol. I. p. 509. With regard to the origin of this family, Sir William Dugdale has certainly treated of it in his Baronage;‡ but he has nevertheless omitted the regular account of Richard de Wyndesor, who, according to Messrs. Collins and Edmondson, was the ancestor of the family of the subsequently-created barons of that ancient house and surname. The said

§ Ibid. Richard de Wyndesor, or Windsor, was son and heir of William, grandson to that William, whom Dugdale has stated§ as a younger brother to Walter, who deceased about the time of king John, without issue male.

|| Willis's Notit. Parl. This Richard being of full age, in 13 Edw. I., had livery of his inheritance; and, in the 23rd of the same reign, was one of the knights|| of the shire for the county of Berks. In the 24 Edw. I., he had summons with other eminent persons, to the great council at Newcastle-upon-Tyne; and, in the year following, was again one of the representatives in parliament for Berkshire; as he was also in divers other parliaments¶ of his time. ¶ Ibid. He died the 19 Edw. II.,** leaving Joan his second wife surviving,†† and Richard his son and heir, by Julian his first wife, who was daughter of Sir Nicholas Stapleton, of Hachilsay, in the county of York, knight; which

†† Collins, Edmondson, &c. Richard Windsor, was the lineal ancestor‡‡ to Sir Andrew Windsor, who, 21 Hen. VIII., was summoned to parliament as a baron of the realm, and whose heir-male was afterwards advanced to the dignity of earl of Plymouth.

WYNESLEE.—(24 EDW. I.)

§§ Dug. List of Summ. Thomas de Wyneslee, 24 Edw. I., was one of those persons of consideration, who then had a consimilar writ of summons§§ of service, to attend among the barons at the council, then convened to meet at Newcastle-upon-Tyne, furnished with horse and arms, to march against the Scots. But, excepting on this particular occasion, the name of Wyneslee is not noticed with any baronial or honorial distinction; nor is it mentioned who, or of what family he was, or belonged to.

WYTH.—(1 EDW. III.)

||| Esch. 1 Edw. III. n. 88. Geffery With, or Wyth, in the time of Edward III., held||| one knight's fee at Louthingley, in the county of Suffolk, of Thomas, earl of Lancaster. In the I Edw.

III., he was one of those who had summons* to attend at Newcastle-upon-Tyne, furnished with horse and arms, to march against the Scots; but this summons† was one of service, and not for consultation in parliament.

This Geffery is likely the person who married Isabel, daughter and co-heir of William de Stalham, who held lands at Beeston and elsewhere, in the county of Norfolk,‡ where, upon his decease, he was interred in the chancel.

After this period, the name of Wyth is not noticed in the public records as one of any particular note, though it appears, that

Sir Oliver Wyth, 24 Edw. III.,§ had, along with others, license to enfeof the prior and convent of St. Olave de Herbyngflet with divers lands in the county of Norfolk; and that,

Anne, daughter and heir of Sir John Wyth, by Sibilla his wife, daughter and heiress of Sir Edmund de St. Omer,|| married Sir John Calthorpe; which family thereby came to inherit certain estates of the Wyths in Norfolk, and to quarter the arms of Wyth, as is represented in the chancel of Hampstead Church, in Norfolk.¶

Sir John Wyth, by his will, dated the 22nd of February, 1387, desired to be buried in the chancel of Beeston Church; where also, upon her decease, his wife Sibilla (who had survived him) was likewise interred, according to her desire, as expressed in her will.

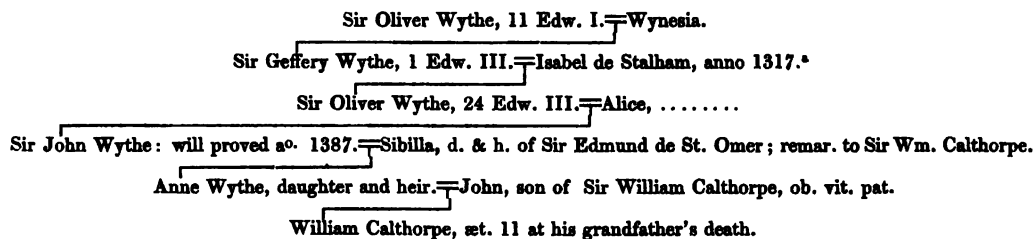
* Dug. Lists of Summ.
† Ibid.

‡ Hist. of Norf. Vol. IX. p. 25, Tunsted.

§ Esch. 24 Edw. III. n. 44, sec. nos.

|| Hist. of Norf. Vol. III. p. 13, S. Erping.
¶ Ibid. Vol. VII. p. 22, Happing.

Arms of WYTHE: 3 Griffins in pale, passant or.—*Vide Blomf. Norf.*, vol. 5, fol. edit., pp. 885, 1438 and 1454.



* Sir William de Stalham, of Stalham, in the county of Norfolk. = Isabel dau. and heir of Matthew de Gunton.

└─ Isabel, married Sir Geffery Wythe. Joane. Alice. Ellen.

* He is probably the same who married Winesia, daughter and heir of John de Riveshall, lord of the manor of Rushhall, in Norfolk; which from the Wythes afterwards passed to the Carbonels.—*Hist of Norf.* Vol. ii., p. 87 Earsham.

The name of With or Wyth appears very ancient. In the pipe roll of the 3 of king John, *Ric' With* is mentioned among others who were amerced by Geffery Fitz-Peter, the king's chief-justice, in Dim' m', or half a mark.—(*Buckingham, and Bedfordshire.*)

The preceding account of those persons who were summoned to parliament in the character of Barons, but were, nevertheless, rejected by Dugdale out of his History of the Peerage, must evidently show, that some at least, though not all of them, were entitled to hand down to their posterity an inheritable parliamentary dignity,—particularly if a sitting, under their writs of summons, could be established. This is a point, as already observed, material to constitute and complete the right of a baron, by writ, to an inheritance in fee-simple, or rather fee-tail general, in his honor; for which reason, the following copy of the writ of summons to the parliament at Lincoln, in 28 Edw. I., and the list of names of the persons, who were therein assembled, and subscribed the letter to the pope, may tend to prove that such persons were then unquestionably considered in the rank of peers of the realm, and were sitting in parliament for the purpose of deliberation.

One thing rather noticeable in this parliamentary record, is, that the names of the persons who did not subscribe the letter, are stated; which intimates, that, though present, they objected to the proceeding, and were, according to modern language, the “*Non contents*.”

Again, the names of those, who, though they were not summoned, (yet had their seals affixed to the letter), being set forth, the same affords a conclusion, that they were absent on some public mission, or were otherwise employed, or excused, and therefore gave their consent by proxy.

To this evidence of parliamentary sitting, may be added the writ of summons to the earls and barons, to attend the coronation of Edward II., which is the most early writ of the kind extant. This may tend to show who were the persons then esteemed among the barons of the realm.

Claus. Rot. 28 Edw.. I. in dorso, m. 3.

D' veniendo
ad p'liamen-
tum.

R' venabili in xpo. R. eadem gra archiepo Cantuaſ tocius Angt primati saltem. Cum nup pcoi utilitate popli regni nri concesserim^o qd carta de foresta in singtis suis artiçlis firmit^r observaret^r assignando quosdam de fidelib; nris in singtis com ejusdem regni in quib; foreste nre existunt ad pambulaçõem in eisdem forestis faciendam. Ita qd pambulaçõem illam distincte & apte fcam ad nos anteq^a aliqua execucio vel aliquid aliud inde fieret reptarent. et qd juramentũ nrm jus corone Angt rones & calumpnie nre nec jus rones & calumpnie alioz omi salva forent^r Nos licet dci fideles nri nũc p'mo ad nos detulerint quod fecerũt in negocio memorato quia tamen prelati comites barones & ceti magnates dci regni in quoz psencia nras & alioz pponi & audiri volum^o rones & de quoz concilio in eodem negocio pũt alias dixim^o intendim^o opari^r Maxime cũ ipi ad

observand & manutenend jura regni & corone p̄dce una nob̄cum juramenti vinculo sint ast̄cti juxta latus n̄rm tūc temporis nō fuerūt, ac p̄ eo simili qđ illi qui suas rōnes q̄ten⁹ illud negociū eos tangit p̄pone hēbant inde p̄muniti nō erāt eidem negocio sine ip̄oz consilio finem impone non potuim⁹ bono modo. Et quia negociū illud q̄ntum possum⁹ cupim⁹ maturari: ita qđ p̄ nos nō stet quin absq̄ ult̄ioris difonis incōmodo eff̄c̄m debitū sorciat^r: volentes cū prelati, comitib; baronib; & magnatib; sup^ad̄cis ac aliis de cōitate d̄ci regni sup̄ hoc & quib;dam aliis arduis negociis nos & statū regni p̄d̄ci tangentib; h̄ere colloquiū & t̄ctatū: vob̄ mandam⁹ in fide & dileccōne quib; nob̄ tenemini firmit̄ injungentes qđ sitis ad nos ad pl̄iamentū n̄rm apud Lincol̄ in Octab̄ S̄ci Hilla^r p̄xio futu^r nob̄cum ibidem una cū cet̄is prelati & p̄cerib; p̄d̄cis sup̄ p̄missis t̄ctaturi v̄rmq; consiliū impensuri. Et hoc sicut nos & cōmodū regni p̄d̄ci diligitis nullaten⁹ omittatis. T. R. apud la Rose xxvj. die Septemb̄r.

Consimiles l̄re diriguntur T. archiepo Eboz Angl̄ primati & ep̄is & abbatib; subsc̄ptis videt̄.

J. Karliolen̄ ep̄o
J. Lincol̄n̄ ep̄o
R. Elieñ ep̄o
J. Norwyceñ ep̄o
R. Londoñ ep̄o
T. Roffeñ ep̄o
R. Cicestr̄ ep̄o
S. Saṣ ep̄o
T. Exon̄ ep̄o

W. Bathon̄ & Welleñ ep̄o
R. Hereford̄ ep̄o
G. Wygorñ ep̄o
W. Covent̄r̄ & Lychn̄ ep̄o
A. Dunelm̄ ep̄o
J. Landaveñ ep̄o
D. Meneveñ ep̄o
.. Assaveñ ep̄o
.. Bangoreñ ep̄o

Abbati de S̄co Edm̄o
Abb̄i S̄ci Aug⁹tini Cantuar̄
Abb̄i de S̄co Albano
Abb̄i Westm̄
Abb̄i de Waltham
Abb̄i de Burgo S̄ci Petri
Abb̄i de Rameseye
Abb̄i de Thorneye
Abb̄i de Croyland
Abb̄i de Evesham
Abb̄i Glaston̄

Abb̄i de Wynchecūbe
Abb̄i de Malmesbury
Abbati Cestr̄
Abbati de Hida Wynton̄
Abb̄i de Birton̄ sup̄ Trentam
Abb̄i S̄ci Petri Gloucest̄r̄
Abb̄i de Alnewyk
Abb̄i de S̄ca Agatha
Abb̄i de Barlinges
Abb̄i de Tupholm
Abbati de Byleye

Abbi de la Dale	Abbi de Dunkesweil
Abbati de Neuhus	Abbi de Rupe
Abbati de Cokersand	Abbi de Rughford
Abbati de Croxtoñ	Abbi de Valle Dei
Abbati de Sca Radegund	Abbi de Gerndoñ
Abbi de Stanlawe	Abbi de Stanleje in Arderñ
Abbi de Bildewas	Abbi de Bello loco Regis
Abbi de Stonle in Wylt	Abbi de Strata Florida
Abbi de Tychefeld	Abbi de Flaxele
Abbi de Lavendeñ	Abbi de Pippeweil
Abbi de Torre	Abbi de Redinges
Abbi de Wellebek	Abbi de Cumbe
Abbi de Hales	Abbi de Bassingwerk
Abbi de Swinesheved	Abbi de Cumtmore
Abbi de Wardeñ	Abbi de Tyntne
Abbi de Boxle	Abbi de Kingeswode
Abbi de Furnais	Abbi de Waverle
Abbi de Salleye	Abbi Sca Werburge Cestir
Abbi de Holmcoltran	Abbi de Crokesdeñ
Abbi de Cirencestr	Abbi de Valle Regali
Abbi de Novo Monastio	Abbi de Deulacresse
Abbi de Sttford	Abbi de Mira Valle
Abbi de Tileteye	Abbi de Revesby
Abbi de Bynedoñ	Abbi de Pco Lude
Abbi de Jirovañ	Abbi Bē Marie Eboz
Abbi de Fontibz	Abbi Sca Aug ^o tini Bristot
Abbi de Bella Landa	Abbi Sca Pet ⁱ Glouč
Abbi de Melsa	Magro ordis de Sēpīg
Abbi de Kirkstede	Priori Hospit ⁱ Sca Johis Jerim
Abbi de Quarrera	in Angt
Abbi de Liteleye	Mağro Milicie Templi in Angt

D' veniendo ad
p'liamentum
R.

Et dilecto & fideli suo Johi de Warennia comiti Surⁱ, salutem. Cum nup p cōi utilitate &c. ut sup^a usqⁱ ibi. Vo^s mandam⁹ in fide & homagio quibz nob tenemini firmit^r injungentes qd sitis ad nos ad pliamentū nrm apud Lincoln in octab Sca Hilla^r pxio futu^r nobcum ibidem una cū prelati & pceribz pdcis sup pmissis tractaturi vrmq consiliū impensuri. Et hoc sicut nos & cōmodū regni pdcis diligitis nullaten⁹ omittatis. T. R. apud la Rose xxvj. die Septemb^r.

Consimiles tre dirigunt, comitib; , baronib; , & militib; subscriptis vidett.

Roĝo le Bygod comiti Norff & marescallo Angl	Pho de Kyme
Raĉo de Monte Hermerii comiti Glouĉ & Hertford	Johi de Segve
Humfrido de Bohun comiti Hereford & Esseĉ	Robto filio Rogi
Riĉo filio Alani comiti Arundell	Hugoni de Veer
Guidoni de Bello campo coĉm Warĉ	Walto de Faucontge
Thome comiti Lancastĉ	Petro de Chaumpnĉt
Robto de Veer comiti Oxoĉ	Raĉo Basset de Draytoĉ
Gilbto de Umframviĉ coĉm de Anegos	Rogto de la Warre
Henĉ de Lancastĉ	Johi Paynel
Aymero de Valencia	Aleĉo de Balliolo
Johi de Ferariis	Hugoni Point;
Henĉ de Percy	Rogto de Mortuo Mari
Robto filio Walti	Wiffo de Ryther
Wiffo le Latim ² juniore	Reginaldo de Grey
Robto de Clifford	Walto de Muncy
Robto de Monte Alto	Robto de Scales
Johi de Hastingĉ	Ade de Welles
Johi de la Mare	Almarico de Sĉo Amando
Johi de Ripariis	Wiffo de Canti Lupo
Johi de Mohun	Johi Engaigne
Robto filio Pagani	Gilbto Pecche
Hugoni de Curtenay	Johi de Clavingĉ
Edmundo Deyncurt	Eustachio de Hacche
Johi de Sĉo Joĉe de Lageh ^m	Wiffo de Leyburĉ
Thome de Furnivaĉ	Johi de Bello Campo
Hugoni Bardolf	Wiffo de Grandi sono
Robto de Tony	Pho Darcy
Thome de Berkele	Johi Ext ^o neo
Wiffo de Brewo;	Johi de Insula
Petro Corbet	Johi de Suleye
Wiffo Martyn	Simoni de Monte Alto
Thome de Multoĉ	Thome le Latim ²
Johi Abbadam	Walto de Huntcumbe
	Edmundo de Hastings
	Johi de Lancastĉ
	Robto de Tateshale

Rado Pypart	Witto de Ferariis
Robto la Warde	Witto le Vavassur
Alano la Zusche	Elie Daubeney
Johi Luvel de Tychemersh	Edmo Baroni Stafford
Henr Tyes	Rado filio Wiffi
Nicho de Seg ^a ve	Bogoni de Knovitt
Briano filio Alani	Thome de la Roche
Edmo de Mortuo Mari	Witto Tochet
Fulconi filio Warini	Andree de Estle.
Johi filio Reginaldi	

ANNO XXIX. REGIS EDWARD I.

In domo capitulari Westm' EXEMPLAR LITTERARUM Angliæ procerum in parlamento apud Lincolniam convenientium anno 29 regis Edwardi primi summo Pontifici porrectarum, supremum dominium regni Scotiæ, regibus Angliæ, de jure debitum audacter vendicantium.

Sçissimo in xpo pri dño B. divini pvidencia Sçe Romane ac univ'salis ecclie sumo pontifici sui devoti filii.

Joñes comes Warenñ	Huğ de Veer dñs de Swaneschaumpis
Thoñ coñ Lancastrie	Wiffs de Breouse dñs de Gower
Radus de Monte H'meri coñ Glouč. & Herf	Robtus de Monte Alto dñs de Hawardyn
Humfr de Bohun coñ Hereford & Essex & conta Angt	Robtus de Tatteshale dñs de Bokeh ^m
Rog's Bigod coñ Norff & maresch Angt	Reginaldus de Grey dñs de Ruthyn
Guido coñ Warf	Henr de Grey dñs de Codenore
Riç coñ Arundell	Hugo de Bardolf dñs de Wirmegeye
Adomañ de Valenç dñs de Montiniaco	Robtus de Tony dñs de castro Matiff
Henr de Lancastf dñs de Munemue	Witt de Ros dñs de Hamelak
Joñes de Hastyng dñs de Bergeveny	Robtus de Clifford castellanus de Appleby
Henr de Percy dñs de Topclive	Petf de Malo Lacu dñs de Mulgreve
Edmūdus de Mortuo Mari dñs de Wigemoñ	Phs dñs de Kyme
Robtus fit Walteri dñs de Wodeham	Robtus fit Rogi dñs de Clavynğ
Joñes de Sço Joñe dñs de Hannak	Joñes de Mohun dñs de Dunsterre
	Almaricus de Sço Amando dñs de Wydehay
	Alanus la Zouch dñs de Assheby

Witt de Ferañ dñs de Groby	Johes dñs de Sulleye
Theobald de Verdun dñs de Webbele	Johs de Moeles dñs de Caudebiř
Thoñ de Furnivañ dñs de Sheffield	Edmūs Baro Staff'
Thoñ de Moltoñ dñs de Egremont	Johs Lovel dñs de Dakkyng
Witts le Latim dñs de Corby	Edmūs de Hasting dñs de Enchimehol-
Thoñ dñs de Berkely	mok
Fulco fit Warini dñs de Whittington	Rads fit Witt dñs de Grimthorp
Johs dñs de Seg ^{ve}	Robtus de Skales dñs de Neuseles
Edmūs de Eyncourt dñs de Thurgeritoñ	Wittus Thouchet dñs de Levenhales
Petr Corbet dñs de Cauz	Johs de Adam dñs de Beviston
Witts de Cantilup dñs de Ravenesthorp	Johs de Havingges dñs de Grafton
Johs de Bellocampo dñs de Hacche	Robtus la Warde dñs de Alba Aula
Roğus de Mortuo Mari dñs de Pentkellyn	Nichs de Seg ^{ve} dñs de Stowe
Johs fit Regiñ dñs de Blekeneny	Waltus de Teye dñs de Stangreve
Ranulphus de Nevitt dñs de Raby	Johes de Lisle dñs de Wodetoñ
Brianus fit Alani dñs de Bedale	Eustachius dñs de Hacch
Witts Mareschall dñs de Hengh ^m	Gilbtus de Pecche dñs de Corby
Waltus dñs de Hun ^c cumbe	Witts Paynel dñs de Tracynghon
Wittus Martin dñs de Cameiso	Bugo de Knovill dñs de Albo Monastio
Henř de Tyes dñs de Chilton	Fulco Lestr ^{ng} e dñs de Corsh ^m
Roğus le Ware dñs de Isefeld	Henř de Pinkeny dñs de Wedon
Johs de Ripař dñs de Angre	Johs de Hodelleston dñs de Aneys
Johs de Lancastř dñs de Grisdale	Roğus de Huntingfeld dñs de Bradinh ^m
Robs fit Pagani dñs de Lammer	Hugo fit Henř dñs de Ravenewath
Henř Tregoz dñs de Garinges	Johs le Breton dñs de Sporle
Rads Pipard dñs de Linford	Nichs de Carru dñs de Muleford
Waltus dñs de Faucumbge	Thome dñs de la Roche
Roğus le Estr ^{ng} e de Ellesmē	Waltus de Moncy dñs de Thornton
Johannes Lestr ^{ng} e de Cknokyn	Johs fit Mermeduci dñs de Hordene
Thoñ de Chaurces dñs de Norton	Johs dñs de Kyngeston
Waltus de Bellocampo dñs de Alecestř	Robtus Hastang dñs de la Desiree
Ričus Talebot dñs de Ekleswell	Radulphus dñs de Grendon
Johes Bettetourte dñs de Mendesh ^m	Witts dñs de Leyburne
Johs Engayn dñs de Columb	Johs de Greystok dñs Morpath
Hugo Pointz dñs de Corimalet	Matth fit Johis dñs de Stokeh ^m
Ad dñs de Welle	Nichs de Meynhyl dñs de Wherleton &
Simon dñs de Monte Acuto	Johs Paynel dñs de Otteleye

devota pedū oscula beatorū Sca Romana mat' eccl'a p' cuj' minist'ium fides catholica gub'natur in suis actib; cum ea sicut firmit' credim' & tenem' mat'itate pcedit qd nulli p'judicare s; singuloꝝ jura non minus in aliis q'a in se ip'a tanq' mat' alma conſvari velit illesa sane cōvocato nup' p' serenissimū dñm nrm Edwardum Dei grā regem Angt illustrem pliameto apud Lincolñ gñali. Item Dñs nr quasdam tras aplicas quas sup' ctis negociis condiçionem & statum regni Scoç tangenē ex pte v'ra recepat in medio exhiberi et seriose fecit nob' exponi. Quibus audiris & diligencius intellectis tam nris sensib; admiranda q'a hacten' inaudita in eisdem audivim' continē. Scim' enī pat' scīssime et notorium est in p'tib; Angt & nonnullis aliis non ignotum qd a prima inatīcōe regni Angt reges ej' d' regni tam tempib; Brittonū q'a Angloꝝ supius & directum dñum regni Scoç fuerunt & in possessionem vel q'si supioritatis & directi dñi ipius regni Scoç successivis tempib; extitunt. Nec ullis tempib; ipm regnū in tempib; ptinuit vt ptinet quovis jure ad eoc'm sup'dcām quinimo idem regnum Scoç pgenitorib; p'dcī dñi nri regib; Angt atq' sibi feudale extitit ab antiquo. Nec eciam reges Scotoꝝ et regnum alii q'a regib; Angt s'bfuerunt vel subici consuevunt. Neq' reges Angt sup' jurib; suis in regno p'dcō aut aliis suis tempalib; cōr aliquo iudice ecclastico vt seculari ex lib'ra p'minencia. Status sue regie & dignitatis & consuetudinis cunctis tempib; irref'gabitr obſvate responderunt aut respondere debebant. Unde hito t'ctatu & delibacōne diligentisup' contentis in v'ris l'ris memoratis 9is concors & unanimis ōnium nrm & singuloꝝ consensus fuit est & erit inconcusse Deo p'p'atio infut'um qd p'fatus dñs nr rex sup' jurib; regni sui Scoç aut aliis suis tempalib; nullaten' judicialit' respondeat coram vob' nec iudm subeat quoquomodo aut jura sua p'dcā in dubiū ipius deducat nec ad p'senē v'ram pcur' aut nunc ad hoc mittat. Precipue cum p'missa cederent manifeste in exhedacōm juris corone regni Angt & regie dignitatis ac subv'acionē status ejusdem regni notoriam n'non in p'judicium lib'tatum consuetudinū & legum patr'az ad quaz obſvacionem & defensionem ex debito p'stiti juramenti astringimur & que manutenebim' toto posse totisq' virib; cum Dei auxilio defendem'. Nec etiam p'mittim' aut aliq'ten' p'mittim' sicut nec possum' nec debem' p'missa tam insolita in debita p'judicialia & alias inaudita p'libatū dñm nrm regem eciam si vellet face' seu quomodolibet attemptare. Quocirca sanctitati v're revent' & humili' supplicam' q'tin' eundm dñm nrm regem qui in alios p'cipes orbis v're catholicū se exhibet et eccl'e Romane devotū jura sua lib'tates consuetudines & leges p'dcā absq' diminucōne & inquietudine pacifice possidere & ea illibata psiste benigni' p'mittat. In cujus rei testimoniu' sigilla nra tam p' nob' q'a p' tota cōmunitate p'dcī regni Angt p'sentib; sunt appensa. Dať apud Lincolñ xij. die Feb' anno dñi m^occc^o.

* Nomina magnatum, qui ad dictum parliamentum anno xxix. regni regis Edwardi

* Reprinted from Dugdale, but the original cannot be found.

primi, apud Lincolniam convocatum nequaquam summoniti erant ; cujus sigilla, veruntamen dictis literis, summo pontifici a mandatis, affixa erant.

Henricus de Grey (de Codnoure)	Witt Paynel (de Tracington)
Willielmus de Ros (de Hamlak)	Fulco le Straunge (de Corfham)
Petrus de Malolacu (de Mulgrave)	Henricus Pinkney (de Wedon)
Theobaldus de Verdon (de Webley)	Johannes Hudleston (de Aneys)
Ranulphus Nevill (de Raby)	Rogerus Huntinfeld (de Bradenham)
Henricus Tregoz (de Garinges)	Hugo filius Henrici (de Ravenswath)
Rogerus le Straunge (de Ellesmere)	Johannes le Bretton (de Sporle)
Thomas de Chaurcis (de Norton)	Nicholaus de Carru (de Molesford)
Walterus de Bello Campo (de Alcester)	Johannes filius Marmaduci (de Hordene)
Ricardus Talbot (de Eccleswell)	Johannes de Kingeston
Johannes Botetourt (de Mendlesham)	Robertus Hastang (de Desiree)
Johannes de Moels (de Cadbury)	Johannes de Greystoke (de Morpeth)
Johannes de Haverings (de Grafton)	Mathæus filius Johannis (de Stokenhame)
Walterus de Teys (de Stangreve)	Nicholaus Meynill (de Wherletone)

Nomina illorum, qui ad istud parlamentum summoniti erant, cujus sigilla domino papæ emissa, non sunt appensa.

Rogerus Bigod, comes Norff	Johannes de Clavinging
Johannes de Ferrers	Willielmus de Grandison
Johannes de la Mare	Philippus D'arcie
Hugo de Courtney	Thomas de Latimer
Petrus de Champvent	Willielmus le Vavasor
Radulphus Basset (de Drayton)	Elias D'aubeny
Alexander de Balliol	Andreas de Estle
Willielmus de Rither	

OF THE
CORONATION SOLEMNITY, CUSTOMS,

&c. &c.

TEMP. EDW. II. AND RIC. II.

THE following literatim document, copied from the original record in the Tower of London, will show, that it has been the usage of long antiquity for peers and peeresses to be summoned to attend a coronation, and that homage, on that occasion, was performed to the king, or queen, as the case might be.

This record is the Clause Roll of the 1st year of king Edward II.

No. XCIV. a. "D. intessend' } & vñabili in xpo pñ W. eadē gñ Archiepo Eboꝝ Angl̃ Primati
coronaçoi & } salm. Quia firmit̃ credimus & spamus qđ accepto coronaçois & con-
secreaçois munle suñi Reĝ potentia virtuosa in regimine poꝑli regni nñ de bono semper
in melius diriget actus nños ac nos die dñica pñia post instans festū Sñi Valentini apud
Westm̃ pponimus auctore dño coronari voñ mandamus firmit̃ injūgentes qđ hujusmōi
coronaçois nñe solempniis dñis die & loco celebrand̃ psonalit̃ int̃sitis. Et hoc sicut nos
& honorem nñm diligitis nullateñ omittatis T. R. apud Dovor' xvij die Januañ.

"Eodem modo mand' est subscriptis videt̃.

A. Patriarche Jerlm̃ & Eꝑo Dunelm̃.
J. Kariothu Eꝑo.
J. Lincoln Eꝑo.
J. No. wyceñ.

R. Elyeñ
W. Bathoñ & Welleñ.
H. Wyntoñ.
R. Londoñ.

R. Herefordñ.

Th. Roff.

S. Saḡ.

— Assaveñ.

— Meneveñ.

— Landaveñ.

— Bangoreñ.

Abbi Sċi Augustini Cantuar̃

Abbi de Wyhecumbe.

Abbi de Sċo Edmundo.

Abbi Glastoñ.

Abbi de Sċo Albano.

Abbi de Rañeseye.

Abbi de Malmesbury.

Abbi de Burgo Sċi Petri.

Abbi Sċi Petri Gloucestř.

Abbi beate Marie Eboḡ.

Abbi de Hidd Wynton.

Abbi de Evesham.

Priori ecclie xpi Cantuar̃.

Priori de Lewes.

Priori de Bridlington.

Priori Hospitał Sċi Johis

Jerlm in Angl̃.

“ & ditco & fid' suo Johi de Warrenna Comiti Sur̃ salm̃ Quia die dñcia p̃xia post festum Sċi Valentini p̃xio futuř apud Westm̃ pponim⁹ deo ppitio coronari voř mandam⁹ firmit̃ in iugentes quatin⁹ die & loco p̃dċis coronaċois nře p̃dċe celebrandis solempniis psonalit̃ int̃sitis. Et hoc sicut honorē nřm diligitis nullaten⁹ omittatis T. R. apud Dovoř xvij. die Januař.

“ Eodem modo mand' est subscriptis videťt.

Robto de Umframvill Comiti
de Anegos.

Gilbto de Clare Comiti Glouċ
& Hertf.

Petro de Gavastoñ Comiti
Cornuř.

Robto de Veer Comiti Oxoñ.

Guidoni de Bello Campo
Com̃ Warř.

Edm̃o Comiti Arundeff.

Humfřo de Bohun Com
Hereford & Essex.

Adomaro de Valencia Comiti
Pembroch.

Henř de Lacy Com̃ Lincoln.

Thome Com̃ Lancastř.

Robto de Monte alto.

Robto de Tony.

Willm̃o Le Vavassur.

Henř de Lancastř.

Johi de Sudleye.

Henř de Percy.

Walto de Faucumbge.

Robto fit Roġi.

Hugōi de Curteneye.

Johi fit Reginaldi.

Willmo de Ros de Hamelak.

Johi de Ferar.

Robto de Clifford.

Johi de Hasting.

Thome de Furnivall.

Simoni de Monte Acuto.

Willmo de Ferař.

Willmo de Grandisono.

Pho de Kyme.
 Johi de Mouhun.
 Robto fit Pagani.
 Johi Engayne.
 Fulconi fit Warini.
 Thome de Berkeleye.
 Johi la Warre.
 Roĝo de mortuo mari de
 Wigemoř.
 Edmō Baroni Staff.
 Alano la Zusche.
 Johi ap Adam.
 Johi de la mare.
 Thome de Multoñ de Gille-
 sland.
 Wiřmo de Leyburñ.
 Wiřmo de Brewosa.
 Wiřmo de Canti Lupo.
 Johi de Ripariis.
 Henř Tregos.
 Johi de Bello Campo de Sumis.
 Johi Extraneo.
 Nicho de Segve.

Robto de Scales.
 Petro Corbet.
 Thome le Latim.
 Raĝo Basset de Draytoñ.
 Hugoi de Veeř.
 Robto fit Waltr.
 Hugoi le Despen.
 Johi de Segve.
 Petro de malo Lacu.
 Wiřmo le Latimer.
 Thome Bardolf.
 Thome de Multon de Eger-
 mund.
 Ade de Welles.
 Walto de Teye.
 Johi de Moubray'.
 Almarico de Sĉo Amando.
 Edmō Deyncurt.
 Bogoni de Knovill.
 Johi Lovel de Tychemersh.
 Roĝo la Warre.
 Wiřmo Martyn.

"Eodem modo mand est subscript videt.

Wiřmo Inge.
 Johi Bretoñ.
 Johi de Donecastř.
 Johi de Insula.
 Roĝo de Bella fago.
 Henř de Sutton.
 Raĝo de Hengham.
 Wiřmo de Ormesby.
 Petro Mallorre.
 Wiřmo Howard.
 Johi Banquell.
 Wiřmo de Carletoñ.

Maĝro Robto de Pickeringe.
 Thome de Cantebr'.
 Maĝro Riĉo de Abyndoñ.
 Henř Spigurnell.
 Gilbto de Roubury.
 Johi de Berewyco.
 Lambto de Thrikingham.
 Gilbto de Knovill.
 Johi de Batesford.
 Walto de Glouĉ.
 Roĝo Sauvage.
 Wiřmo de Bereford.

Johi de Mutford.
 Wiſſmo de Colneye.
 Wiſſmo le Vavassur.
 Edmō Deyncurt.
 Rogo de Hegh^m.
 Wiſſmo de Mortu Mari.
 Johi de Sandale.

Johi de Kirkeby.
 Johi Randolf:
 Robto de Retford.
 Hervico de Staunton.
 Nicho de Warf.
 Galfro de Hertelpol.

“ R. viç Kanç ſalū Quia die dñca px' post festum Sçi Valentini pxio futur apud Westm pponim^o deo ppicio coronari tibi pcipimus qd diem illum p nre coronaçois pdçe celebrandis sollempniis ordinatum in Civitatib; Burgis viſſ micatoriis in baſſia tua ubi videris expedire publice & ſolempni^o pclamari, et milites Cives Burgeſi ac alios de Com^o pdço quos fore videris invitandos ut dñs die & loco sollempnizaçoi pdçe psonali^o intſint ex pte nra fac invitari. Et hoc nullo modo omittas. T. R. apud Dovor xvij. die Jan. Cons lre diſ ſingulis vicecomitibus p Angl.

“ D. intessendo } R. Venabili in Xpo pſi R. eadem gra Cantuar Archiepo tocius
 coronaçoi R. } Angl p'mati ſalū. Quia coronaçois nre sollempnia jam diu est
 de consilio p'atoꝝ Comitū Baronū & alioꝝ nobiliū de regno nro in instanti die dñca pxia
 post festum Sçi Valentini apud Westm ordinavim^o disponente dño celebranda quod ad
 vram noticiam satis credam^o pvenisse vob firmit^o injungendo mandam^o rogantes quatin^o
 gressus vros ad ptes istas tali^o festinus qd die & loco pdçis sollempniçoe pdçe possitis
 psonali^o intesse Et si forte aliquo casu contingente vos quod absit contigit impediri,
 ita qd die & loco pdçis nō potitis vram pſenciam exhibere tūc vices vras alicui de vris
 Suffraganeis Comitatis qui officiū quod in coronaçoe nra pdça vob incumbit exequat^o &
 exçceat vice vra. Et quid sup hoc dux^oitis faciendū nob cū omi celeritate qua potitis
 rescribatis p pſenciū portitorē. Et hoc sicut de vob confidim^o nullaten^o omittatis Dat
 apud Dovor ix. die ffebruar'.

No. XCIV. b.
 and XCIV. c.

“ D. intessendo } R. di & fi suo Wiſſmo de Leyburne ſalū Quia hoc instanti
 coronaçoi R. } die dñca pxia post festum Sçi Valentini Martyris intendimus
 Deo ppicio apud Westm coronari vob mandamus rogantes quatinus vos & consors vra
 hujusmodi coronaçois nre sollempniis dñs die & loco celebrand ad comitivam nob & car-
 issime consorti nre Isabelle Regine Angl ob nrm & ipius consortis nre honorem facien-
 dam psonali^o modis omibus intſitis Et hoc sicut nos diligitis nullatenus omittatis. T.
 me ipo apud Dovor viij. die Februarij.

"Cons tre dir' subscriptis vidett.

Robto de Monte Alto & consorti sue	Buk'	{	Aymero de S ^{co} Amando & consorti sue
Robto de Verdun & consorti sue			Johi Peyvre & Consorti sue
Rado de Vedoñ & consorti sue	Bedef'	{	Johi de Marteyn & Consorti sue
Desiderate que fuit u ^x Galfri de Lucy			Nicho Fermband & Consorti sue
Johi de Northwode seniori & cons sue	Kanč	{	Walto de Mullesworth & Consorti sue
Rogo le Sauvage & cons sue			Johi de Pabenhamseniori & consortisue
Regin de Cobeham et cons sue			Johi de Pabenhamseniori & consortisue
Thome de Bailliol et cons sue			Johi Conquest & Consorti sue
Johi de Northwode juniore & cons sue			
Johi Abel & cons sue			
Rado de Sandwyco et cons sue	Kanč	{	Johi de Campania & Cons sue
Margarete que fuit u ^x Edm ⁱ quondam			Henr de Leyburn & Cons sue
Comitis Cornub	Kanč	{	Rado Sauvage & Cons sue
Comitisse Oxon			Galfro de Say & Cons sue
Comitisse Arundell'			Rico de Rokesle & Cons sue
Dne de Insula			Thome de Bykenare & Cons sue
Agñ de Suny			Willmo de Basyng & Cons sue
			Henr de Lancast' qd ipe & Cons &c.
			Johi de Hamme qd ipe & Cons &c.
Henr de Grey & Cons sue	Essex'	{	Johi Fillol juniore & Cons sue
Hugoi de Veer & Cons sue			Petro de Sutchirche & Cons sue
Willmo de Hamfeld & Cons sue			Johi de Praeres & Cons sue
Willmo de Wauton & Cons sue			Johi de Ovedale & Cons sue
Alič dne de Beaumound			Rado de Hamenale & Cons sue
Johi de Dagworth & Cons sue			Robto de Rocheford & Cons sue
Thome de Bellius & Cons sue			Nicho de Wokyndon & Cons
Thome de Burgo & Cons sue			Mauricio le Brun & Cons sue
Johi Fillol seniori & Cons sue			Johi Joce & Cons sue
Willmo Paynell & Cons sue	Sussex'	{	Thome de Lukenore & Cons sue
Willmo de Echyngham & Cons sue			Henr Hosee & Cons sue
Rogo de S ^{co} Johe & Cons sue			Rado Saintzav & Cons sue
Nicho Malemeynes & Cons sue			Michi de Ponyngg' & Cons sue
Henr de Trego; & cons sue			Robto de Echingham & Cons sue
Rogo de Bavent & Cons sue	Sussex'	{	Rado de Cammeys & Cons sue
Johi de Fryvill & Cons sue			
Johi de Basingburñ & Cons sue			
Rado de Monte Caniso & Cons sue			
Johi de S ^{co} Lig & Cons sue	Heref'	{	Johi de Nevill & Cons sue
			Johi de la Mare & Cons sue
			Nicho de Bosco & Cons sue."

T H E

CORONATION OF RICHARD THE SECOND.

“Processus factus ad Coronacōem Domini Regis Anglie Ricardi secundi post Conquestū No. XCIV. d. anno regni sui primo.

“Die 7^o S^ci Swithini post p^andiū Magnates Milites ac Major vicecomites Aldermanni & q^amplures Cives London’ & alij in magno num^o Equites decen^t ornati in quodam loco vacuo juxta Turrem London’ convenerunt & cū p^a modicū spaciū ibidem pausassent exiit D^{ñs} Rex de Turri sua p^ad^a albis indutus vestib³ una cū ingenti multitudine p^acū Magnatum Militum & Armig^o in secta sua se circumdanciū necnon sⁱ vi-entū ad arma armato³ p^acedenciū & ibidem congregati cum tubis & univ³ alijs modis modulacionū p^a publicos vicos London’ usq³ nobilem Stratam vocatam La Chepe de London’ & abinde usq³ Flete Strete & sic directe usq³ d^am regiū paliciū Westm’ solemn^t equitantes ad Magnam Aulam p^ad^a Palacij p^avenerunt & insup d^as D^{ñs} Rex cū p^acib³ Magnatib³ & alijs q^amplurib³ fidelib³ suis ad altā mensam marmoream in eadem aula accedens pecijt vinum & allatum bibit cetiq³ circumstantes simil^t biberunt, quo f^ao secessit Rex cū quibusdam p^acib³ & familia sua in cam^a suam & completa cena more regio & ip^o D^{ño} Rege ut decebat balniato quievit Rex & simil^t alij quiescebant Mane autem f^ao surrexit Rex & auditis s^avicijs Dei & missa indutus mundissimis vestib³ & caligis tantumodo calciatus egrediens de cam^a sua descendebat in p^ad^am magnam aulam cū maximo num^o p^acū & Magnatū & occurrerunt ei Simon Archiep^{us} Cantuar’ ac alij p^alati pontificalib³ & clerus regni capis sericis induti multitudoq³ plebis copiosa apud d^am altam memsam in eadem aula & sedente Rege in sede sua regali ibidem paraverunt p^ad^a Prelati atq³ Clerus p^acessionē suam medioq³ tempore p^ad^as Wi^lls de Latymer tanqu^am elemosinarius p^a se & deputatos suos s^anebat ab aula p^ad^a usq³ pulpitu in Ecclia S^ci Petri Westm’ quosdam rubeos pannos radiatos super quos Rex & alij magnates p^ad^a incederent ad Eccliam sup^ad^am & sublato Rege p^acedebat eū d^as D^{ñs} Dux cū p^ad^ao principali gladio ut in jure suo p^ad^ao, Edmundus Comes March cum sedario gladio & calcarib³ in jure p^ad^a

Comitis Pemb'r & Comes Warr' cum t'cio gladio in jure suo pprio ut p'dc'm est, ac Edmundus Comes Cantabr' cum una virga regali & Thomas de Wodestok cū alia virga regali in manib; suis de p'cepto Regis in quaz quidem virgaz sūmitate erant due columbe & ante eos A. Meneveñ Ep'us Cancellar' Angt' deferens in manib; suis quendam Calicē magni p'cij sc'ificatū & ante eū H. Ep'us Wygornieñ Thes' Angt' portans in manib; suis quandam patenam & ante eos q'mplures alij prelati & alij de p'dc'o Clero g'diebant'. Post Regem v'o veniebant p'dc'us Archiep'us, W. London' & W. Wynton Ep'i, & sic incedebant Rex & om'es alij p'dc'i p'cessionalit' ad p'dc'am Eccl'iam & p'stratū Regē corā sūmo altari ibidem benedixit p'dc'us Archiep'us & sublatū ducebant p'dc'i Prelati & Magnates ad pulpitu in quodam loco eminenti in Eccl'ia p'dc'a ad hoc ordinato & posuerunt eum ibidē in Cathedra Regali honorifice decoratā c'nente univ'so pp'io tunc p'sente & de ferebant toto isto tempore Barones quinq; portuū ult' Regem quendam pannū purpureu de serico quadratū quatuor hastis deargentatis supportatū cum quatuor campanellis argenteis deauratus, videt', ad quamt' hastam quatuor assignati, sedente autem Rege in Cathedra p'dc'a venit Ric'us Comes Arundell' deferens in manibus suis de p'cepto Regis nobilem Coronam Regiam & simil' Wif's Comes Suff' de h'm' p'cepto Regis afferebat sceptrū regale in cujus sūmitate erat Crux, defererebat eciam idem Comes Suff' quoddam p'ciosū vestimentū & Wif's Comes Sax' aliud h'm' vestimentū quib; postmodū induebat' Dñs Rex, subsequen'tq; capto per p'fatū Archiep'm sac'ro Dñi Regis corporali de concedendo & v'vando cū sac'ri confirmacōe leges & consuetudines ab antiquis justis & deo devotis Regib; Angt' p'genitorib; ip'ius Regis plebi regni Angt' concessis & p'sertim leges consuetudines & lib'tates a g'liosissimo & sc'issimo Rege Edwardo Clero populoq; regni p'dc'i concessas & de v'vando Deo & Eccl'ie Sc'e Dei Cleroq; & populo pacem & concordiam integre in Deo juxta vires suas & de faciendo fieri in om'ib; judicijs suis equam & rectam justiciam & discrecōem in m'ia & v'itate & eciam de tenendo & custodiendo justas leges & consuetudines Eccl'ie ac de faciendo p' ip'm Dñm Regem eas esse p'tegendas & ad honorem Dei corroborand' quas vulgus juste & rōnabali' eleg'it juxta vires ejusdem Dñi Regis. P'fatus Archiep'us ad quatuor p'tes pulpiti p'dc'i accedens exposuit & enarravit univ'so populo quali' d'c'us Dñs Rex h'm'a prestittit sac'rm inquirens ab eodem populo si ip'i consentire vellent ad h'end' ip'm Regem & Dñm suū ligeū & ad obediend' ei tang'm Regi & Dño ligo, qui utiq; unanimi' consenserunt. Hijs itaq; pactis incipiebat Archiep'us alta voce ympnū "veni creator spiritus," quo finito d'cisq; ab eodem Archiep'o quibusdam devotis orōnib; sup Regem & cantata solempni latania p' p'fatos Prelatos & clerum p'dc'us Dñs Rex scissis vestib; quib; prius induebat' oleo sc'o, atq; crismate in div'sis ptib; corporis sui, ut est moris, p' manus p'fati Archiep'i inunctus extitit ad g'dū Cathedre sue & statim coronatus, ac dati's postmodū & impositis eidem Dño Regi gladio qui vocat' Curtana sceptro anulo calcarib; & alijs regalib; put decuit Magnates & Dñi circūstantes elevatū ip'm Dñm Regem posuerunt in Cathedra p'dc'a p'dc'i Prelati & Clerus decantato devoto psalmo "Te Deū laudam'" usq; sūmū altare p'dcū ad

altam missam celebrandam accesserunt & in medio ejusdem misse, idem Dñs Rex descendens de loco suo usq; ad gradū ante altare p̄dcm unam marcum auri ibidem offerebat & iñum ascendens repositus fuit in Cathedra sua p̄dca & tunc dum ijdem Prelati & clerus circa solempnitatem misse p̄dce occupati fuerunt diṽsi Dñi & Magnates quoꝝ noia subsequuntʳ homagiū suū ligeū p̄fato Dño ñro Regi faciebant, vidett, Johes Dux Lancastʳ, Edmundus Comes Canteb, Johes Comes Richemonḁ, Edmundus Comes Marchie, Riçus Comes Arundell, Thomas de Beauchamp Comes Warĩ, Wiñs de Ufford Comes Suffʳ, Hugo Comes Staffʳ, Wiñs de Monte acuto Comes Saꝝ, Henr' de Percy, Thomas de Roos de Hamelak, Raḁus Basset de Drayton, Johes de Neviñ, Adomarus de S̄co Amando, Reginaldus Greye de Ruthyn, Jacobus de Audele de Helegh, Wiñs la Zouche de Haringworth, Robtus de Wylughby Rogus de Scales, Rogus le Strange de Knokyn, Johes Lovell, Johes le Warre, Waltus fitz Waut, Wiñs de Bardolf, Johes de Montague, Gilbtus Talbot, Johes de Buttetourt, Henricus de Greye de Wilton, Johes de Welynton, Phus Darcy, Thomas de Berkele, Michael de la Pole, Hugo la Zouche de Fulbōne, Raḁus de Croumweñ, Wiñs Boheux, Riçus Seymor de Somset, Raḁus Baro de Greystok, Wiñs de Furnivall, Archibaldus de Grelly Capitane de la Bouche & Smebrondus de Curton. Completa etenim solempniñ dca missa p̄fatus Dñs Rex cum univso cetū dcoꝝ prelatoꝝ Magnatū & p̄cum de p̄dca Ecclia exiens ad dcm palaciū suū p mediū p̄dce magne aule in privatā Cam̄am suam pveniebat & quiescens ibi p moderatū spaciū descendebat in Aulam, lotisq; manib; suis statim cedebat in sede sua regali ad altam mensam. Recumbebant itaq; cum eo ad eandem mensam plurimi Prelatoꝝ p̄dcoꝝ ex utʳq; pte sua, ad dextram v̄o costam dce Aule tenebant principalem mensam Barones Quinq; portuū & s̄cdariam C̄lici de Cancellar' Dñi Regis de prima & s̄da forma p assignaḁōem Dñi Senescalli & ad alias mensas inferiores in eadem costa sedebant Justic' Dñi R̄ Barones de Sc̄cio Regis et alie psone honeste juxta status suos, & ad mensas in sinistra pte ejusdem aule vicecomites Recordator Aldermanni & q̄mplures Cives Civitatis London' consedebant medias autem mensas ibidem alij pbi hōies de Cōitate regni occupabant; & sedentib; illis in forma p̄dca priusq̄m s̄viebat' Dño Regi de p̄ndio, idem Dñs Rex carissimū avunculū suū Thomam de Wodestok in Comitem Buckyngham, Henr' de Percy in Comitem Northumbr', Joñem de Mowbray de Axiholm in Comitem Notyngham, & Guichardū Dangle in Comitē Hunt honorifice p̄fecit, ac Edwardū fñ Edmundi Comit̄is Cantebʳ, Joñem fñ Thome Roos de Hamelak, Roñm de Greye de Retherfeld Riçm fñ Gifbti Talbot, Gerardū fñ Warini de Lisle, Michem fñ Michaelis de la Pole, Riçm de Ponynges, Roñm de Haryngton & Thomam de la Mare similiter p̄movit ad decorum ordinem militarē, cuiñt eoꝝdem Comitū & Militū mun̄ia regalia affluent' largiens put regia munificencia exigit & requirit, Medio etenim spatio & durante tempore p̄ndij p̄dcus Dñs Señ ac dci Constabular & Marescañ & diṽsi alii Milites ex eoꝝ p̄cepto & assignaḁōe in aula p̄dca ad honorificū populū ibi dem congregatū arraiandū ac discensiones & debata que ibidem oriri pot̄lant pacificand sup

nobiles dext^rios decent^r equitarunt, totoq^{ue} illo tempore p^rfatus Comes Derb^{on} astans a dextris Dñi Regis sedentis ad mensam tenebat in manu sua dcm principalem gladiū nudū & extractū, et p^rdcus Comes Staff^{ord} coram eodem Dño Rege scindebat ex assignacōe & in jure dci Dñi Ducis ut p^rdcum est. Pa^rcto autem p^rndio ascendebat Dñs Rex in Cam^{er}am suam cū prelati magnatib^{us} & p^rib^{us} p^rdcis & deinceps Magnates Milites & domini aliq^{ui} gen^{er}osi diem illum usq^{ue} ad tempus cene in tripudijs coreis & solempnib^{us} ministralcij^{us} p^rgaudio solempnitatis illius continuarunt. Et finita cena Dñs Rex & alij p^rdci labore maximo fatigati petentes requiem dormierunt, & sequenti die ven^{is} residente Rege in Palacio suo p^rdco univ^{er}si prelati Dñi & Magnates antedci ac alij in maximo num^{er}o apud Eccliam S^{an}c^ti Pauli London['] congregati quandam solempnem p^rcessionē p^r mediū Civitatis p^rdce faciebant dep^rcantes humil^{it} & devote p^r salubri statu Regis & felici regimine regni sui aīaq^{ue} p^rdci nobilis Dñi Edwardi nup^{er} Regis defuncti ac alio^{rum} fidelīū defuncto^{rum} & post p^rcessionem h^{ic} Th^{omas} Ep^{iscopu}s Ruffen['] quandam p^rdicaōem faciebat ad beneplacitū & nutū ut credit Regis Regū^m Hijs itaq^{ue} gestis p^rdci Magnates & Dñi abinde usq^{ue} Westm ad Regem abierunt & cū eo manducabant. Post p^rndiū v^o petita a Dño Rege licencia & cū difficultate optenta, quilibet ibat viam suam & sic p^rdca solempnia finiebant.

Memorand^{um} q^{uod} p^rdcus Rex Castelle & Legionis Dux Lancastrie & Senescallus Anglie istum p^rcessum p^r manus suas pp^rias in Cancellar['] Dñi Regis libavit ibidem in rotulis ejusdem Cancellar['] irrotuland^{um}."

THE NAMES OF THOSE PERSONS WHO WERE SUMMONED TO CARLISLE;
Equis et armis, and in the writ were specially designated by their rank of nobility.

Anno 26 Edw. I.—*Claus in Dorso. m. 5.*

COMITES.

Johaⁿn de Garenne Conte de Sur^r
Esmond Conte de Cornwail
Rauf de Mohermer Conte de Glou^{ce}
Henry de Lacy Conte de Nichole
Humphrey de Bohun Conte de Heref
Richard Fitz-Alleyne Conte de Arundel

COMITES.

Guy de Beauchamp Conte de Warwick
Th^{omas} Conte de Lancas^{tr}
Rob^{ert} de Ve^r Conte de Oxen^f
Gilbert de Umframvill Conte de Anegos
Conte Patrick

BARONES.

Hen^{ri} de Lancastre
Aymer de Valen^{ci}
Humfry de Bohun

BARONES.

Johaⁿn de Ferrars
Henry de Percy
Johaⁿn de Wak

BARONES.

Roberd le Fitz-Wauter
 Hugh le Despenser
 William le Latymar
 Robert de Clifford
 Robert de Mohaut
 Johaï de Hastings
 Johaï de la Mare
 Johaï de Ryveres
 Johaï de Mohun
 Peres de Mauley
 Robert le Fitz-Payne
 Hugh de Courtenay
 Thomas de Furnivall
 Hugh Bardolf
 Roberd de Tonny
 Nichole de Audithale
 Thoma de Berkele
 William de Breous
 Piers Corbet
 Williame Martyn
 Thō de Multon
 Johaï de Grey
 Johaï ap Adam
 Phelip de Kyme
 John de Segrave
 Robert le Fitz-Roger
 Hugh de Veer
 Wauter de Faucumberge
 Joh de Giffard (de Brimsfield)
 Wauter de Beauchamp
 Piers de Chauvant
 Rauf Basset
 Roger le Ware
 John Paynell
 Alisaundre de Baliol
 Hugh Poyntz

BARONES.

Nichole de Meignill
 Roger de Mortimer
 William de Rithse
 Renaud de Grey
 Johanni de Hudleston
 Wauter de Mouncey
 Roberd de Scales
 Adam de Welle
 William de Caunteloe
 Johaï D'Engayne
 Johaï de Caunteloe
 Gilbert Pecche
 Johaï de Claverynge
 Eustace de Hacche
 William Leyburn
 Johaï de Beauchamp, (de
 Somersete)
 William le Graunzon
 Richard Syward
 Simon Fresell
 Philip Darcy
 Johaï le Straunge
 Johaï del Isle
 Johaï de Suley
 Simon de Montague
 Thomas le Latymer,
 William le Latymer, le Fitz
 Wauter de Tyes
 Wauter de Huntercumb
 Alan Plukenet
 Emon de Hastingses
 Johaï de Lancastre
 Roberd de Tateshale
 Rauf Pipard
 Johaï de Seint John le fuiz
 Robert la Ward

BARONES PRETERMISSI.

Johañ Lovell
 Aleyn la Zouche
 Hen. Tyeis
 Nicholas de Segrave
 Bryan le Fitz-Alleyn
 Emond de Mortimer
 Hugh de Mortimer
 Fuk' le Fitz-Waryn
 Johañ le Fitz-Renaud
 Geffrey de Camvill
 William le Vavassour
 Robert de Hylton
 William Sampson
 William de Ferrers
 Rauf de Grendon

William de Morle
 Elys Daubeney
 Emon' de Estafford
 Rauf le Fitz-William
 Bouges de Knoville
 Thomas de la Roche
 Thebaud de Verdon le Peer
 Thebaud de Verdon le Fuiz
 Johañ de Greystock
 William Tuchet
 Heñ Pinkeny
 Andř de Estle
 Johañ de Ingeham
 Johañ de Mueles

THE NAMES OF THOSE WHO WERE SUMMONED TO ATTEND A PARLIAMENT
 AT WESTMINSTER, THE FIFTH OF EDWARD II.,

and in the writ were designated specially by their titles, with the peculiar words in the exemplar writ, *in propria personā vestrā*.

Anno 5 Edw. II.—*Claus. in Dorso. m. 25.*

COMITES.

Guidoni de Bello Campo Comiti Warř
 Adamaro de Valencia Comiti Pemb
 Humfr de Bohun Comiti Heref' & Essex

COMITES.

Johanni de Warennā Comiti Surř
 Edmundo Coñ Arundell
 Roberto de Veer, Comiti Oxon'

BARONES.

Hugoni de Veer
 Hugoni le Despenser
 Johanni Hastings
 Johanni Gifford (le Bry-
 mnesfeld)
 Willielmo Martyn
 Johanni de Ferrariis
 Willielmo le Mareshall
 Roberto de Clifford

BARONES.

Johanni de Somery
 Roberto filio Pagani
 Johanni Botetourte
 Roberto filio Walteri
 Pagano Tibetot
 Barthomeo Badlesmere
 Johanni de Segrave
 Philippo de Kyme
 Edmundo Deyncourt

Johanni de Grey	Fulconi filio Warini
Richardo de Grey	Roberto de Ufford
Johanni la Ware	Johanni de Bello-campo
Willielmo de Echingham	(de Somerset)
Thomo de Furnivall	Hugoni de Curtenay
Johanni de Clavering	Radulpho de Gorges
Petro Corbett	Henrico de Lancastre
Radulpho Basset (de Dray-	Mauritio de Berkele
ton)	Thome Bardolf
Johanni Dengayne	Roberto de Monte-alto
Fulconi le Strange	Johanni de Mohun
Willielmo le Latimer	

Adhuc eodem anno 5 Edw. II.—*Claus. in Dorso. m. 17.*

The following persons were similarly designated in the writ calling a parliament to be holden at Westminster.

COMITES.

COMITES.

Gilberto de Clare Comiti Glouc' & Hertf'	Guido de Bello-campo Comiti Warw'
Adamaro de Valenciâ Comiti Pemb'	Edmundo Com. Arundell
Humfrido de Bohun Comiti Heref' & Essex	Roberto de Veer Comiti Oxon
Johanni de Warennâ Comiti Sur'	

BARONES.

BARONES.

Hugoni le Despenser	Philippo de Kyme
Johanni de Hastings	Radulpho de Nevill
Hugoni de Curtenay	Roberto de Insula
Willielmo Paynel	Johanni de Bello-campo
Hugoni de Veer	(de Somerset)
Thome Bardolf	Willielmo le Mareshall
Petro de Malo-lacu	Roberto de Clifford
Thome de Berkele	Radulpho Basset (de Dray-
Johanni de Moubrey	ton)
Edmundo de Eyncourt	Rogero de Mortuo-mari (de
Thome de Furnivall	Chirk)
Johanni de Clavering	Theobaldo de Verdun
Johanni Engayne	Roberto de Ufford

BARONES.

Willielmo de Echingham
 Edwardo Burnell
 Johanni de Somery
 Willielmo le Latimer
 Johanni de Ferrariis
 Radulpho de Gorges
 Willielmo de Botiller (de
 Wemme)
 Johanni Botetourte
 Nicholao de Moeles
 Henrico de Lancastre
 Johanni de Sancto Johanne
 Johanni de Crumbwell
 Johanni de Grey
 Hugoni de Nevill
 Johanni la Warre
 Petro Corbett
 Willielmo de Roos (de
 Hamelak)
 Henrico de Percy
 Johanni de Insula-veetis

BARONES.

Roberto de Hastang
 Alano la Zousche
 Roberto filio Walteri
 Willielmo Martyn
 Pagano Tibetot
 Bartholomeo de Badlesmere
 Fulconi le Strange
 Roberto filio Pagani
 Johanni de Segrave
 Richardo de Grey
 Johanni Giffard (de Brim-
 mesfeld)
 Thome de Multon (de Egre-
 monde)
 Alano Plokenet
 Johanni de Thorpe
 Roberto de Monte-alto
 Nicholao de Segrave
 Thome de Multon (de Gil-
 lesland)

This parliament was prorogued, and the next parliament in eodem anno was appointed to be held at Lincoln; but the names of the persons summoned thereto, do not appear to be similarly distinguished by their ranks.

The following List of persons mentioned in Sir William Dugdale's "Index Baronum Summonitionibus" is confined particularly to those who were at any time summoned either as, or in the character of barons, along with the earls recited in the same writs; but the earls, and other peers who were created by patent with limitation of their titles descendable to heirs male are omitted, as not coming within the subject of this work.

On comparing, however, the Index with the Summonses referred to by it, there will be found (not infrequently) several dates of writs attributed to names which are not contained in the summons, and several omitted in the index, which are recited in the summonses: thus the names of William and Walter Vavasour, are left out in the index, while the name of William Vavasour is contained in the writs of summons for very many

years; that of Walter, only once, and then probably a misnomer; the lord Willoughby de Broke is similarly left out in the index.

Robert de Grey, who assumed the name of Fitz-Payne, is said in Dugdale's Lists of Summons, to have been summoned to parliament April the 6th, anno 43 Edw. III., and his name appears in the writ of summons for that year; but, according to the Lists of Summons printed by the order of the House of Lords, the names of the four barons last mentioned by Dugdale in the said writ of the 43 Edw. III., viz. "Joanni filio Richardi Grey de Codnoure, Joanni Tibetot, Roberto Fitz-Payne, and Henrico de Percy," are not on the roll. This appears rather extraordinary, for had their names not been on the roll from which Dugdale made his extract, it can scarcely be supposed that eminent herald would have substituted them, without some authority for so doing. Thus Dugdale has either given insertion to names he ought to have omitted; or the printed List of the House of Lords, has left out what ought to have been inserted. *Ergo, ubi lapsus? quis fecit lapsum?*

On referring to the date of the most early writ of summons mentioned in this list, it will be found to be the 49 of Hen. the III., as if the barons had never been before convoked by that form. Strange, indeed, it must be to imagine, that the barons, in rebellious against their sovereign, and having his person in duress under their power, should be deemed the first to have originated a summons to parliament to be the establishing an hereditary peerage dignity by virtue of their own writs addressed only to a few of the whole body which constituted the peerage of the realm; and that partial number, the chief of their adherents. There is no proof that any of these persons had any sitting under their writs; yet if a legal parliament was thereby assembled, the only one who can be presumed to have been present, purports to be Hugh de Despenser, the chief-justice. But to give peerage precedency from the 49 of Hen. III., must be anomalous, while it has been shown that writs of summons for calling together the barons for legislation had been the practice prior to that time, as evidenced by the exemplar writ of the 45 Hen. III., (four years antecedent) with the consimilar of names thereto attached.

The want of the public records, thus precludes the names of those great territorial or feudal lords who flourished at a prior period, whose descendant heirs-general, upon the principle that a writ of summons created a personal inheritable peerage, unfettered by the possession of a baronial holding, would be entitled at this day to the succession of their ancestors' honour. If de Ross can be allowed precedence from the 49 Hen. III., at this day not inheriting the ancient baronial estate, what reason can there be against admitting the precedency of Fitz-Walter, from the æra of king John? Robert Fitz-Walter, the famous general of the barons at the time of the Magna Charta, was as much a baron then, as de Ross in the 49 of Hen. III. The title of Fitz-Walter has passed by descent into several families;—so has de Ross. The heirs of Fitz-Walter do not possess the lands in virtue of which their first ancestor may be considered to have been a baron of

the realm; the heirs of the first de Ross are similarly deficient. The articles of Magna Charta confirmed the right of the great barons to be summoned specially by the king's writ directed to them. That form was followed by Henry the III., though the article of Magna Charta to that point is omitted, in what is termed the Magna Charta of 9th of Hen. III.; but was an article too material for that weak monarch not to follow, notwithstanding it had no insertion as before mentioned in the Charter of the 9th of his reign.

In the 26th of Henry III., the king summoned a parliament, by the following writ; but the names to whom the consimilar was directed is not attached thereto, but it nevertheless proves that the 49 of Henry III. was not the first form of calling a parliament by writ:—the difference observed on the latter occasion, consisting as it would seem, that whereas the earls and barons were summoned as theretofore by the king's special writ or letter addressed to them, the other tenants in capite of the crown, instead of being summoned generally by the sheriff of the county in which they resided, were not convened as a body, and were only required to elect from among them two knights to be their representatives, whereby they were reduced from a very considerable number, to a select few, in representation of the whole mass. Hence the knights of the shire, so called, as holding in capite per militare servitium, or knight's service.* This had a two-fold effect,—the one in diminishing the assemblage of a large, and often tumultuous body: the other of relieving them from a burthensome attendance which they were obliged to make, or be liable to an amerciamment in the king's exchequer.

COPY OF THE WRIT OF SUMMONS.

(26 HEN. III.—DOES. CLAUS. MEMB. 13.)

Henricus &c. venerabili in Christo patri W. Ebor.—Archiepo Sat—Mandamus vobis rogantes quatinus sicut nos et honorē nrm parit et vrm diligitis et in fide quā nobis tenementi omib; aliis negociis omissis sitis ad nos apud Londā die Scti Hylari xv. dies ad tractand. nobiscum unacum cælis magnatib; nris quos simili fecim convocari de arduis negociis nri stat nrm et toti regni nri speciali tangentib; et hoc nullaten omittatis.—T. R. apud Windles xiv. die Dec.

This summons is subscribed with "Eodem modo scrib omib; Epis Abbatib; Comitib; et Baronib;." But the names of those to whom the consimilar writ was directed are not attached to this exemplar.

* The knights (as then termed Barones Minores) were the inferior tenants of the crown, holding their lands in capite of the king, and being thus rendered an elective class of persons to depute their own representatives, were qualified as electors by the value of their tenure, which laid the basis of what has subsequently been called forty shilling freeholders, but forty shillings per annum estate in those days constituted a person of very different rank, to the forty shilling freeholder of later times. He was required to take upon him the order of knighthood, and omitting so to do, became liable to amerciamment for his neglect. Here the words of Dryden in his beautiful ode on St. Cecilia's day, when describing the fall of Darius, may be aptly applied, "*Fallen, fallen, fallen from his great Estate*" and now prostrate in the "*Driver of a Dung Cart.*"

INDEX BARONUM SUMMONITIONIBUS.

Of the names mentioned in this Index, many are omitted by Dugdale in his History of the Baronage, as may be seen in the account given of them in this volume, intitled "Barones Pretermissi."

N.B.—Those to whom this mark * is affixed are unnoticed in the Baronage History of Dugdale.

Ap Adam,	25 Edw. the first.	Berkeley,	23 Edw. the first.
*Aldeburgh, ..	44 Edw. the third.	Bermingham, 1 & 35	Edw. the third.
Aldithley,	25 Edw. the first.	Bertie (Dominus Wil-	} .. 23 Eliz.
Archdekne, ..	14 Edw. the second.	loughby de Eresby }	
*Arderne,	1 Edw. the third.	Bertie de Norris, 31	Car. the second.
Argentine,	25 Edw. the first.	Bertram, Roger	49 Hen. the third.
Astley,	23 Edw. the first.	Blount, Thomas le.	20 Edw. the second.
Aton,	18 Edw. the second.	Blount, William le,	1 Edw. the third.
		*Bodrigan,	3 Edw. the second.
Badlesmere, ..	3 Edw. the second.	Bohun de Midhurst,	35 Edw. the third.
Baliol,	28 Edw. the first.	Boleyn de Rochford,	24 Hen. the eighth.
*Banyard,	6 Edw. the second.	Bonville,	28 Hen. the sixth.
Bardolf,	22 Edw. the first.	Borough sive Burgh,	} 1 Edw. the
*Barry,	35 Edw. the third.	William, }	
Basset de Drayton,	49 Hen. the third.	Borough sive Burgh,	} 3 Hen. the
Basset de Sapcoate,	49 Hen. the third.	Thomas }	
Basset de Weldon,	25 Edw. the first.		seventh
Bavent,	6 Edw. the second.	Boteler de Weryngton,	22 Edw. the first.
Beauchamp de Ber-	} 16 Ric. the	Boteler, John le,	14 Edw. the second.
gavenny, }		Boteler de Wemme,	24 Edw. the first.
Beauchamp de St.	} 27 Hen. the	Boteler de Sudley,	20 Hen. the sixth.
Amand, }		Boteler de Ormond,	7 Hen. the eighth.
Beauchamp de Bletso,	37 Edw. the third.	Botetourt,	1 Edw. the second.
Beauchamp of }	} 25 Edw. the	Botreaux	42 Edw. the third.
Somerset, }		Boyle de Clifford,	13 Car. the second.
Beaumont,	2 Edw. the second.	Bourchier	16 Edw. the third.
Beke,	23 Edw. the first.	Bourchier, earl of }	} 13 Hen. the
		Ewe, }	
*Bella Aqua, ..	22 Edw. the first.	Bourchier de Fitz-	} 27 Hen. the
Benhall,	34 Edw. the third.	Waryn }	
Bensted,	8 Edw. the second.	Bourchier de Ber-	} 33 Hen. the
*Bereford,	8 Edw. the second.	ners, }	

Bourchier de Crom-	1	Edw. the	*Clivedon,	22	Edw. the first.
well, }		fourth.	Cobham, ..	6	Edw. the second.
*Brabazon, ..	8	Edw. the second.	Cobham, Stephen,	20	Edw. the second.
Bradeston, ..	16	Edw. the third.	Cobham, Ralph,	18	Edw. the second.
Bray, ..	21	Hen. the eighth.	Coleville, ..	49	Hen. the third.
Breose,	23	Edw. the 1st.	Columbers, ..	22	Edw. the first.
*Britannia, John, ..	33	Edw. the first.	Columbers (Philip)	8	Edw. the second.
Bryan, Guido de, ..	24	Edw. the third.	Compton,	14	Eliz.
Bromflete de Vescy,	28	Hen. the sixth.	*Comyn, ..	35	Edw. the third.
*Bromwich	35	Edw. the third.	Conyers,	1	Hen. the eight.
Brooke de Cobham,	23	Hen. the sixth.	Corbet,	22	Edw. the first.
*Brune, Maurice le,	6	Edw. the second.	*Cornwaile,	35	Edw. the third.
Brus de Annandale,	23	Edw. the first.	Courtney,	27	Edw. the first.
Brus de Whorlton,	13	Car. the first.	Crescy,	22	Edw. the first.
Bulmer,	1	Edw. the third.	Creting,	6	Edw. the third.
Burghersh,	32	Edw. the first.	Criol,	22	Edw. the first.
Burnell, ..	5	Edw. the second.	Cromwell,	1	Edw. the second.
*Buscy,	1	Edw. the third.	Cromwell of Wim-	28	Hen. the
Butler of More Park,	31	Car. the second.	bleton, }		eighth.
Butler of Weston,	31	Car. the second.	*Crophul,	35	Edw. the third.
Cailey, ..	2	Edw. the second.	Dacre,	28	Edw. the first.
Camois, ..	49	Hen. the third.	Dacre of Gillesland,	14	Edw. the fourth.
Camvill, ..	22	Edw. the first.	Dagworth, ..	21	Edw. the third.
Cantilupe, ..	28	Edw. the first.	Dammory, ..	11	Edw. the second.
*Carew, ..	35	Edw. the third.	*Dane,	1	Edw. the second.
Chaumpoent,	28	Edw. the first.	Darcy,	22	Edw. the first.
Chandoz, ..	12	Edw. the third.	D'Aubeney, Elias,	23	Edw. the first.
Charlton de Powys,	7	Edw. the second.	D'Aubeney, (de D'Au-	3	Hen. the
Chaworth, ..	22	Edw. the first.	beney) .. }		seventh.
Cheney, ..	3	Hen. the seventh.	D'Aubeney, Ralph,	16	Edw. the third.
*Clare, ..	3	Edw. the second.	*Daventre, Robert, de	25	Edw. the first.
Clavering, ..	28	Edw. the first.	Dawney,	1	Edw. the third.
Clifford, ..	28	Edw. the first.	Deincourt, ..	22	Edw. the first.
Clifton, ..	50	Edw. the third.	De la Beche ..	16	Edw. the third.
Clifton of Leighton }	7	Jac. the	De la Mare ..	27	Edw. the first.
Bromswould, }		first.	*Devereaux, William	27	Edw. the first.
Clinton,	27th	Edw. the first.	*Devereaux, John ..	8	Ric. the second.

Devereaux de Ferrers, 1 Edw. the fourth.	Fitz-William, Ralph, 23 Edw. the first.
D'Eyville, 49 Hen. the third.	Fitz-William, William, 1 Edw. the third.
*Draycote, 25 Edw. the first.	Foliot, 23 Edw. the first.
Dynant, 23 Edw. the first.	*Foxle, 8 Edw. the second.
Dynham, John .. 6 Edw. the fourth.	Frescheville, .. 25 Edw. the first.
	*Frene, Hugo de, 10 Edw. the third.
Echingham, .. 5 Edw. the second.	Frevile, 1 Edw. the third.
Engayne, 25 Edw. the first.	Furnival, 22 Edw. the first.
Erdington, 9 Edw. the third.	
*Erles, 35 Edw. the third.	Gaunt, 49 Hen. the third.
Everingham, .. 2 Edw. the second.	Genevill, 27 Edw. the first.
	*Gernon, 35 Edw. the third.
*Falvesley, 7 Ric. the second.	Giffard, Osbert, 25 Edw. the first.
Fauconberge, .. 22 Edw. the first.	Giffard de Brimsfield, 23 Edw. the first.
Felton, Robert 6 Edw. the second.	Gorges, 2 Edw. the second.
Felton, William 16 Edw. the third.	Grey de Codnoure, 23 Edw. the first.
Ferrers de Chartley, 27 Edw. the first.	Grey, Dom. Ferrers } 25 Hen. the sixth.
Ferrers de Groby, 25 Edw. the first.	de Groby.
Ferrers de Wemme, 49 Edw. the third.	Grey de Lisle, .. 22 Edw. the fourth.
Fienes de Say & Sele, 27 Hen. the sixth.	Grey de Powys, 22 Edw. the fourth.
Fienes de Dacre, . 38 Hen. the sixth.	Grey de Rotherfield, 25 Edw. the first.
Fienes de Clinton, 5 Edw. the sixth.	Grey de Ruthyn, 23 Edw. the first.
Fitz-Alan de Mal- } 25 Hen. the eighth.	Grey de Rugemont, 29 Hen. the sixth.
travers,	Grey de Shirland, 50 Edw. the third.
Fitz-Alan de Bedale, 23 Edw. the first.	Grey de Wilton, 23 Edw. the first.
*Fitz-Bernard, .. 6 Edw. the second.	Greystock, 22 Edw. the first.
*Fitz-Henry, Hugh, 22 Edw. the first.	Grandison, 27 Edw. the first.
*Fitz-Henry, Aucher, 2 Edw. the second.	Grandison, Otto de, 27 Edw. the first.
Fitz-Hugh, 14 Edw. the second.	Grelle, 1 Edw. the second.
*Fitz-John, John, 49 Hen. the third.	Grendon, 34 Edw. the first.
*Fitz-John, Richard, 23 Edw. the first.	Gynes, Ingelram de, 25 Edw. the first.
*Fitz-John, Matthew, 25 Edw. the first.	
*Fitz-Osbert, Roger, 22 Edw. the first.	Hacehe, Eustace, 27 Edw. the first.
Fitz-Payn 25 Edw. the first.	Handlo, 1 Edw. the third.
*Fitz-Reginald, John, 22 Edw. the first.	Harela, 14 Edw. the second.
*Fitz-Roger, Robert, 23 Edw. the first.	*Hardreshull, .. 16 Edw. the third.
Fitz-Walter, .. 23 Edw. the first.	Harrington, .. 18 Edw. the second.
Fitz-Waryn, .. 22 Edw. the first.	Hastang, 5 Edw. the second.

Hastings, ..	49 Hen. the third.	Knovile, ..	23 Edw. the first.
*Hastings, Edmund	28 Edw. the first.	Lancaster, John de,	25 Edw. the first.
*Hastings, Hugh	16 Edw. the third.	Lancaster, Henry de,	27 Edw. the first.
*Havering, John	27 Edw. the first.	Lancastre, Henry de,	9 Edw. the third.
Hausted, ..	6 Edw. the third.	Lansladron, ..	28 Edw. the first.
Herbert, ..	1 Edw. the fourth.	Lascelles, ..	22 Edw. the first.
Herbert, (of Chirbury)	15 Car. the first.	Latimer, Thomas,	28 Edw. the first.
Herle, ..	5 Edw. the third.	Latimer, William,	28 Edw. the first.
Heron, ..	44 Edw. the third.	Latimer, John Nevil,	5 Hen. the fourth.
Heron, William	17 Ric. the second.	Latimer, Geo. Nevil,	10 Hen. the sixth.
Hilton, Robert ..	23 Edw. the first.	*Lawrence,	35 Edw. the third.
Hilton, Alexander	6 Edw. the third.	Leyburne, William,	27 Edw. the first.
Holand, ..	8 Edw. the second.	Leyburne, John,	11 Edw. the third.
Hotham, ..	8 Edw. the second.	L'Isle de Insulâ Veetâ,	22 Edw. the first.
Howard, John ..	{ 49 Hen. the 6th. 12 Edw. the 4th.*	L'Isle, Gerard,	31 Edw. the third.
Howard de Walden, ..	39 Elizabeth.	L'Isle (de Rubeo monte)	5 Ed. the second.
Howard de Moubray,	31 Car. the second.	Longvilers, ..	16 Edw. the third.
<i>(Primogenitus Hen. Ducis Norf.)</i>		L'Ortye, ..	19 Edw. the second.
Hungerford, ..	4 Hen. the sixth.	Loveyne, Matthew,	22 Edw. the first.
Huntingfield, ..	22 Edw. the first.	Lovel de Tichmersh,	25 Edw. the first.
Hungerford of Hay-lesbury.	{ 28 Hen. the 8th.	Lucy, Galfridus de,	49 Hen. the third.
Huntercombe, ..	23 Edw. the first.	Lucy, Anthony,	14 Edw. the second.
Hussey, Henry ..	22 Edw. the first.	Lucy, Thomas,	15 Edw. the third.
Hussey, Roger ..	22 Edw. the third.	Lumley, ..	8 Ric. the second.
Hussey, John ^b ..	22 Hen. the eighth.	Lutrell, ..	22 Edw. the first.
Inge, ..	8 Edw. the second.	*Malberthorp, ..	3 Edw. the third.
Ingham, ..	1 Edw. the third.	Maltravers, ..	1 Edw. the third.
*Kendall, ..	1 Edw. the third.	Malure, ..	35 Edw. the third.
Kerdeston, ..	6 Edw. the third.	*Manners, Buldwin,	3 Edw. the second.
Kime, ..	23 Edw. the first.	Manners de Rosse,	7 Hen. the eighth.
*Kirkeby, ..	22 Edw. the first.	Maney, Walter de,	21 Edw. the third.
Kirketon, Thomas,	16 Edw. the third.	*Mareys, Stephen,	35 Edw. the third.
Kirketon, John,	36 Edw. the third.	Mareschal, ..	2 Edw. the second.
		Marmion, William,	49 Hen. the third.
		Marmion, John,	22 Edw. the first.

* This is the first summons.

^b He was a Baron of the Sleaford Line.

Plukenet, ..	23 Edw. the first.	Scroope de Upsal, 3 Hen. the eighth.	
Pole, Michael de la,	39 Edw. the third.	Segrave, Nicholas, Senr., 49 Hen. third.	
Pole, Henry, Dom. } Montagu, }	21 Hen. the eighth.	Segrave, John, 24 Edw. the first.	
Poynings, ..	22 Edw. the first.	Segrave, Nicholas, Junr., 23 Edw. first.	
Poyntz, ..	23 Edw. the first.	Shirley, de Ferrers, 31 Car. the second.	
Rither, ..	28 Edw. the first.	Somery, .. 1 Edw. the second.	
*Rivers, sive Ripariis,	27 Edw. the first.	Somerville, Philip, 1 Edw. the third.	
Robsart, Dom. Bouchier,	3 Hen. the 6th.	Somerville, Roger, 1 Edw. the third.	
*Roche, Thomas de la,	28 Edw. the first.	*Spencer Hugh le, 49 Hen. the third.	
*Roubury, ..	8 Edw. the second.	*Spigurnel, .. 8 Edw. the second.	
Roos, of Hamlake,	49 Hen. the third.	*Staunton, .. 8 Edw. the second.	
Ros vel Roos de Werke,	22 Edw. first.	Stanley, .. 34 Hen. the sixth.	
Ros vel Roos, of } Igmanthorpe, }	22 Edw. the first.	Stanley de Monteagle, 6 Hen. the eighth.	
*Roscelyn, ..	22 Edw. the first.	Stafford, .. 27 Edw. the first.	
*Rye, ..	22 Edw. the first.	Stafford, James, 35 Edw. the third.	
St. Amand, ..	28 Edw. the first.	Stafford, Hugh, 44 Edw. the third.	
St. John, ..	49 Hen. the third.	Stafford, Richard, 35 Edw. the third.	
St. John (Junr. de Basing)	28 Edw. first.	Stafford, Hugh de } Bouchier, }	12 Hen. the fourth.
St. John de Lageham,	25 Edw. the first.	Stafford, Humfry } de Suthurgk. }	1 Edw. the fourth.
St. John de Bletso, ..	1 Eliz.	Stapleton, Milo, 6 Edw. the second.	
St. Maur, ..	11 Edw. the second.	Stapleton, Nicholas, 16 Edw. the third.	
St. Philibert, ..	27 Edw. the first.	*Steyngrave, .. 22 Edw. the first.	
St. Quintin, ..	22 Edw. the first.	Strabolgi, (Comes } Athol) }	15 Edw. the second.
St. Walerico, ..	22 Edw. the first.	Strange, de Elles- } mere, }	23 Edw. the first.
*Sampson, William,	28 Edw. the first.	Strange, de Knockin,	28 Edw. the first.
*Sandale, ..	8 Edw. the second.	Strange, de Black- } mere, }	2 Edw. the second.
Sandys (de Vine),	21 Hen. the eighth.	Strange, Eubolo le,	20 Edw. the second.
*Saunzaver, ..	22 Edw. the first.	Strivelin, ..	16 Edw. the third.
Say, William, ..	22 Edw. the first.	Sutton, John ..	18 Edw. the second.
Scales, ..	27 Edw. the first.	*Sutton, John de } Holdernesse, }	6 Edw. the third.
Scroope (Henry),	8 Edw. the second.	Sudley, John de,	28 Edw. the first.
Scroope, Galfridus,	3 Edw. the third.	Sutton de Dudley,	16 Edw. the third.
Scroope de Bolton,	18 Hen. the sixth.		
Stroope de Masham,	1 Ric. the second.		

Swillington, ..	20 Edw. the second.	*Veel, Peter de,	16 Edw. the third.
Swynerton, ..	11 Edw. the third.	Verdon, Theobald,	22 Edw. the first.
Stuteville, Robert,	22 Edw. the first.	*Verdon, John de,	6 Edw. the third.
<i>(Omitted in Dugdale's printed Index.)</i>		*Vesci, John, ..	49 Hen. the third.
Talboys, de Kyme,	21 Hen. the eighth.	Vesci, William,	23 Edw. the first.
Talbot, ..	4 Edw. the third.	Vere, Hugh de,	27 Edw. the first.
Talbot, de Castro }	4 Edw. the third.	Vesci, ..	49 Edw. the third.
Goderici, }		Ufford, ..	2 Edw. the second.
Talbot, Richar. de }	7 Ric. the second.	Ughtred, ..	17 Edw. the third.
Blackmere. }		Umfravill, ..	23 Edw. the first.
Talbot, John Dñns. Fur- }	11 Hen. the	Comes de Angus, ..	25 Edw. the first.
nival de Hallomshire. }	fourth.	Urtiaco, Henry, }	22 Edw. the first.
Tatshall, ..	23 Edw. the first.	(Vide L'Ortie). }	
Teye, Walter de,	27 Edw. the first.	*Uvedale, Peter de,	6 Edw. the third.
Ties, Henry de,	22 Edw. the first.	Vavasor, William,	27 Edw. the first.
*Thorpe, John de,	2 Edw. the second.	Vavasor, Walter,	7 Edw. the second.
Twenge, Marmaduke,	22 Edw. the first.	<i>(These names are omitted in Dugdale's printed Index).</i>	
Twenge, William,	18 Edw. the second.	Wahall, ..	25 Edw. the first.
Tibetot, Paganus,	1 Edw. the second.	Wake, ..	23 Edw. the first.
Tibetot, John de,	9 Edw. the third.	*Walleys, ..	14 Edw. the second.
Tibetot, Robert de,	42 Edw. the third.	Warde, Robert de La,	28 Edw. the first.
Tiptoft, John, ..	4 Hen. the sixth.	Warde, Simon de La,	18 Edw. the second.
Toney, ..	27 Edw. the first.	Warre, Rogerus La,	22 Edw. the first.
Tregoz, John de	25 Edw. the first.	*Wateville, ..	20 Edw. the second.
*Tregoz, Henry de,	22 Edw. the first.	Welles, ..	27 Edw. the first.
*Tregoz, Thomas de,	11 Edw. the second.	Welles, Richard de }	33 Hen. the sixth.
Trussel, ..	22 Edw. the first.	Willoughby. }	
*Trikingham, ..	8 Edw. the second.	Welles, John, }	3 Hen. the seventh.
Tuchet, William,	28 Edw. the first.	Viscount. ^b }	
Tuchet, John de }	5 Hen. the fourth.	Wenlock, John de, ^c	1 Edw. the fourth.
Audsey. }		Wentworth, de Net- }	21 Hen. the 8th.
Valence, Aymer de,	25 Edw. the first.	tledsted. }	
Vaux de Harrodon, ^a	25 Hen. the eighth.	West, Thomas,	16 Edw. the third.

^a This barony has lately been allowed by the House of Lords as created by writ of summons.

^b This title is said to have been created by writ and not by patent.

^c This is doubtful whether by writ or patent to heirs male of his body.

West, Reginald de } La Warre.	5 Hen. the sixth.	Windsor, William,	5 Ric. the second.
Wharton, ..	35 Hen. the eighth.	N.B.—OMITTED BY DUGDALE.	
*Whittington, ..	25 Edw. the first.	Windsor, Andreas,	21 Hen. the eighth.
Widvill, Anthony, } Dom. de Scales.	2 Edw. the fourth.	Wodstoke, Edmund,	14 Edw. second.
Wilmington, John,	3 Edw. the third.	Zouche (Alan de Ashby)	25 Edw. first.
Wilmington (Ralph } de, com. Devon.) }	16 Edw. third.	Zouche (William de } Haryngworth) }	2 Edw. second.
Williams, John, ..	1 Ph. and Mary.	Zouche (William de } Mortimer, sive de }	17 Edw. second.
Willoughby de Eresby,	7 Edw. second.	Castro Ricardi)	
Willoughby de Broke,	7 Hen. the seventh.		
N.B.—OMITTED BY DUGDALE.			

Note.—In this index the names only of the first persons summoned has been inserted, to show when the title commenced; the succession thereof being recited in the text, or account of the family, which vide.

It is to be observed, that, although Dugdale has noticed in his said index, the names of divers earls and barons summoned to be at Newcastle-upon-Tyne, equis et armis, anno 1 Edw. III, he has omitted that of *Galfrido Wyth*, inserted in the same writ.

So also are omitted in the index, the following names which appear in the writ of summons of the 24 Edw. I., among those of divers barons therein recited, viz :

Ralph Wake	Ino. de Mortain
Richard Windsor	Rob. Russell
Richard de Coleshull	Ranulph de Rye
Walter and Lawrence Pavilli	Tho ^r de Wyneslee
Galfrido Stowey	Richard de Ken
Ino. Cogan	Ino. de Acton
Robert de London	Nicholas filio Radulphi
Ino. Pabenham, Junr.	

Although this was evidently a writ of service, equis et armis, yet as those persons were summoned by the same writ as the earl of Norfolk and divers barons, who are noticed in the index, the omission is the more particular for observation.

SYNOPSIS

OF TITLES GENERALLY SUPPOSED EXTINCT, BUT WHICH THERE IS REASON TO
BELIEVE ARE ONLY DORMANT.

The preceding pages have been confined to an account of those persons who though omitted notice by Sir William Dugdale in his History of the Baronage, have nevertheless had mention made of their names in his lists of summons to parliament. The following recital of peerage dignities, created by patent with a defined limitation of their course of descent, in which the heirs of succession are supposed to have failed, is presented with a view to show, that the said honours are probably only dormant, but not totally extinct.

In mentioning however the earldoms of Angus, Athol, and Buchan, they form a peculiar point of notice, inasmuch as they have never before been treated of by any peerage writers as coming within the denomination of English earldoms; no earldom, as asserted, having at any time been created by writ of summons. Yet provided a writ of summons, with a sitting in parliament, can constitute a personal descendable barony, the same principle of law is applicable to an earldom, where no charter, or patent of special limitation, can show a contrary creation. These earldoms may therefore be presumed to form precedents against the opinion hitherto entertained on this subject.

ANGUS.

This, formerly, was one of the most ancient earldoms in Scotland, and as Douglas* says existed, according to Chalmers, in the person of Dubican the son of Indechtraig, who died A.D. 939.†

Gilchrist was earl of Angus in the time of Malcolm Canmore, from which Gilchrist descended Malcolm, fifth earl of Angus, who married Mary, daughter and heir of Sir Humphrey Berkeley, knight, by whom he had a daughter.‡

Matildis, countess of Angus, who succeeded to his estate, and title. She married, first, John Cumin, who, in her right, bore the title of earl of Angus. He died in France,

* Doug. Peer of Scot.

† Caledonia l. 452.

‡ Doug. ut sup. V. 1., p. 62.

in 1242, leaving a son Bertrald, who died a child, in 1243. The countess married secondly, in the same year (1243), Gilbert de Umfraville, baron of Prudhoe, in England, who, in her right, was earl of Angus. He died shortly after, in 1245, leaving, as said by Matthew Paris, his son and heir of tender years,—his mother the countess surviving.

Gilbert de Umfraville, only son of Gilbert and the countess Matildis, when he came of age, was one of the principal noblemen of his day, as well from his great possessions in England as in Scotland. He was one of those nobles who swore to ratify the marriage contract of Margaret, daughter of the king, Alexander III., with Eric king of Norway, in 1281. He was governor of the castles of Dundee, and Forfar, and of the whole territory of Angus, in 1291, when the competitors for the crown of Scotland agreed that seisin of that kingdom should be delivered to king Edward I. On this occasion the earl declared that he had received his castles in charge from the Scottish nation, and that he would not surrender them to England, unless king Edward, and all the competitors entered into an obligation to indemnify him. These conditions being submitted to by all the parties, may account for the ground on which king Edward afterwards conferred upon him the title of earl of Angus, as an English earl, by summons to parliament the twenty-fifth year of his reign.

It is here to be observed that the lawyers of England were somewhat startled at this creation, and refused in their briefs and legal instruments to acknowledge him earl, asserting as an objection, that Angus was not within the kingdom until he had openly produced in the face of the court, the king's writ, whereby he was summoned by that title. He died the 31 of Edw. the I., having continued during his life to be summoned to parliament as earl of Angus, along with the other earls of the realm.

Robert de Umfraville, his son and successor, had the like summons during his life, so that it must be admitted, that the earldom of Angus was an English earldom created by writ of summons, and is now vested in abeyance, among the coheirs general descended from him; of whom, for a further narration, the reader is referred to the article of Umfraville, in the first volume of this work.

ATHOL.

This earldom was also of Scottish origin, in the person of Madach, son of king Donald Bane, in the reign of king Alexander the first. His grandson

Henry, third earl of Athol, died in the reign of Alexander the second, leaving three daughters, whereof, the eldest (whose name is not mentioned) married Alan de Londoniis, who in her right was the fourth earl of Athol, and died s.p.*

* Doug. V. 1,
p. 132.

Isabel, the second daughter, married Thomas of Galloway, (brother to Alan, lord of

Galloway), who in her right became fifth earl of Athol.* He died in 1312, leaving a son Patrick, the sixth earl, who is said to have been murdered at Haddington, in 1242, being then a youth of very distinguished accomplishments. He died s.p. * Sutherland Add. Case.

Fernelith third daughter of earl Henry, succeeded her nephew earl Patrick, and became countess of Athol. She married David de Hastings, (of the great family of Hastings in England); which David in her right became seventh earl of Athol; he died at Tunis, in a crusade, fighting under the banners of Louis IX., king of France, A. D. 1269, leaving issue an only daughter and heiress

Ada, countess of Athol, who married John de Strathbogie, and carried to him the earldom of Athol,^a and had issue

David de Strathbogie, ninth earl of Athol, who married Isabel, one of the co-heirs of Richard de Chilham, by Rose de Dovere his wife, and died shortly after his father, who deceased in February, 1263-4, leaving

John de Strathbogie his son and heir, tenth earl of Athol, whose son and heir

David de Strathbogie, eleventh earl of Athol, was by that title summoned to parliament as an English earl, the 15 Edw. II., and had the like summons to his death, the 29 Edw. II., when he was succeeded by his son, another

David, twelfth earl of Athol, and second of the English creation, who had similar summons to parliament during his life, and as such may be justly esteemed to have acquired an earldom descendable to his issue general, of whom mention will be found in the first volume of this work.

Dugdale asserts that he had summons to parliament among the barons of England from the 15th to the 20th of Edw. II.; but on referring to the writs, it will be found that his name is always inserted *among the earls* (as earl of Athol), and never *among the barons*. This may evidence his rank as an English earl.

The following two tables will show the descent of the earldoms of Angus and Athol, till they came to the families of Umfraville and Strathbogie.

ANGUS.

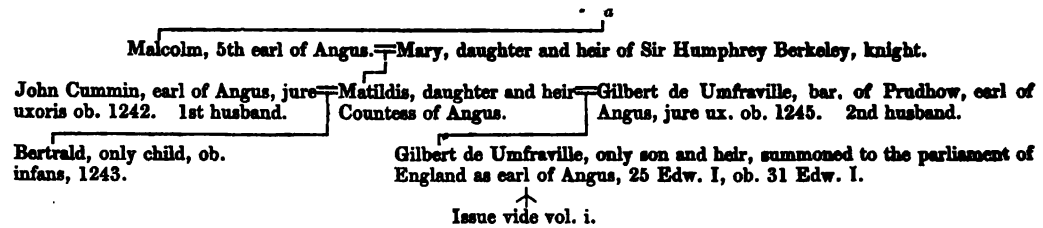
Gilchrist, earl of Angus, temp. Malcolm Canmore, K. of Scotland circ. 1120—Fynbella, a sister of the Thane of Mearns

Gilbrede, 2nd earl of Angus, ob. circ. 1180—..... dau. of Patrick, earl of March.

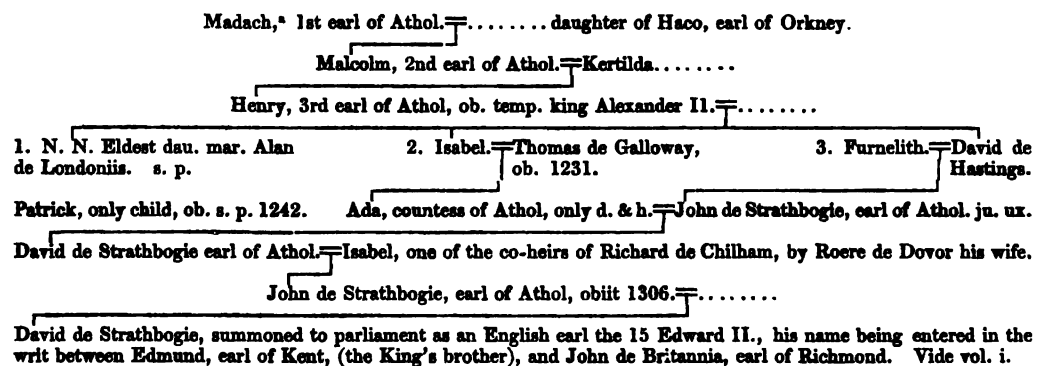
1. Gilchrist, 3rd earl of Angus	2. Magnus, earl of Caithness.	3. Gilbert, ancestor of the Ogilvys.	4. Adam.	5. William.
6. Anegus.				
Duncan, 4th earl of Angus.				

^a Duncan earl of Fife, his grandfather having obtained the lands of Strathbogie from king William the lion, settled them on David his third son, who assumed his name from the said lands, and was father of this John de Strathbogie earl of Athol.

SYNOPSIS OF



ATHOL.



* Douglas refers to a note by Chalmers (Caledonia, 1, 425), which says he had a son Madach, the second father of Malcolm.

BUCHAN.

* Douglas,
V. I., p. 264.

This was an ancient Scottish earldom, in the family of Cumyn, whereof Alexander, earl of Buchan is said to have left two daughters his heirs,—of which Alice the eldest married Henry de Beaumont, an English baron; and Margaret the youngest daughter wedded Sir John de Ross, son of the earl of Ross.

Henry de Beaumont being thus earl of Buchan, jure uxoris, is so designated in Rymer's *Fœdera*; with her he acquired the manor of Whitwicke, in the county of Leicesters and divers other lands in England; and moreover by the title of earl of Boghan (i. e. Buchan), was summoned to the parliament of England, the 7 Edw. III., in which writ his name is mentioned along with David de Strabolgi, earl of Athol, and Gilbert de Humfraville, earl of Angus, being the last of the three earls; from this time to the 14 of Edw. III., his name is similarly recited in the parliamentary summons—from which continuation, it must be inferred that he was created an English earl, for otherwise he could not be intitled to have that rank in parliament with the English nobility; and there

does not appear upon record, any patent or charter creating him an earl. His title thus arising from his writ of summons, must be considered like that of a baron emanating from the same source, to be descendable to the heirs general coming from him and still existing in them, unless barred by any attainder or legal impediment; but which, from the late decision of the house of Lords, upon the claim of Mr. Stapleton to the barony of Beaumont does not appear to be the case.*

* Vide
Beaum, Vol. I.

ARUNDEL OF TREBICE.

This barony created by letters patent, in 1663, has been generally supposed extinct; but an heir male is believed to be existing in a very humble situation of life.

BANBURY.

Respecting the right of inheriting this earldom, there has long prevailed a great dubiety, by reason of the controversial question of the legitimacy of the sons of the first earl; but this question is considered to have been determined by the resolution made in the lords' committees of privileges, against the claim of the late General Knollys, the heir male representative of the said sons; yet upon this decision much controversy of legal opinion prevails.

BRACKLEY AND BRIDGEWATER.

Though the title of earl of Bridgewater is generally presumed to be extinct, there is some doubt whether the prior created title of Viscount Brackley, has not some remote heir of the Egerton family still existing, with a claim thereto; but when the great honorial estates have passed away, claims of such a kind are beyond the power of indigent parties to prefer, and therefore expire by constrained necessity.

BUCKINGHAM.

The title of earl of Buckingham, first conferred by king James I., on his favorite Sir George Villiers, is represented to have been limited in remainder to his brothers John and Christopher Villiers, and his sister Susan, who married William, the first Lord Fielding, and afterwards earl of Denbigh, in whose descendant the present earl, the title of earl of Buckingham is thought to be vested.

It is to be observed that the Hobart family bears the title of earl of *Buckinghamshire*, not of *Buckingham*.

CHANDOZ.

This barony, claimed some years ago by the late Rev. Tymewell Brydges, without effect, is still supposed to be dormant, but not extinct. There are several persons who consider they have a claim, but the great expense of pursuing it before the Attorney-General and a Committee of Privileges in the House of Lords, presents an insuperable obstacle against a man in humble circumstances of life.

DELAMERE.

Sir George Booth of Dunham Massey, in the county of Chester, was created baron Delamere, in 1661, and his son Henry, was advanced to the dignity of earl of Warrington, 1690; the earldom became extinct in 1738, but the barony of Delamere is believed to be dormant in some distant heir male. There are several of the name of Booth, who have frequently been mentioned as having pretension to the title.

EURE.

This barony is supposed dormant, but not extinct, and probably vested in some person of low property and condition of life—ignorant of his right—and even, if knowing, not in any circumstances to prosecute it.

FAUCONBERG.

This barony was conferred in 1627, by king Cha. I., on Sir Thomas Belasyse, bart., who was afterwards, in 1627, advanced to the title of Viscount Fauconberg; and his descendants subsequently further elevated to the title of earl,—that dignity became eventually extinct, but the barony and viscounty continued: the last viscounts were Roman Catholic Priests—brothers, who succeeded each other. On the death of Charles, the survivor of them, in 1815, the titles have been supposed to have terminated; but a distant heir male is yet imagined to exist, who some years since was resident in the United States of North America. The male line is however by no means to be deemed as expired.

GAINSBOROUGH.

This is another peerage of which there is much doubt as to having become finally extinct, either in the barony of Noel, or earldom of Gainsborough. The special remainders in those creations giving ground for this doubt.

HUNSDON.

This barony, first created in the person of Henry Carey, son of Mary sister to Queen Anne Boleyn, (mother of Queen Elizabeth), is presumed to have become extinct in 1765, for want of issue male. The vicissitude of fortune in this family deserves notice. Robert Carey, the seventh baron, on succeeding to the honour, is represented to have been in the very humble grade of a weaver. The heir who may be now extant, not improbably may be in a situation of life not superior, and equally unaware of the rank to which he has a right. There is a Mr. Carey, an eminent bookseller at Philadelphia, to whom report gives a descent from a branch of the Hunsdon stock; but the male line is most probably in the Dutch Netherlands, where the weaver's family were resident.

JEFFERYS.

It has been stated, that the popish chancellor, the first lord Jefferys, had a younger son, who after the retirement of king James II, (commonly called his abdication), was in the service of that unfortunate monarch, and resided in France: the unpopularity of his father, and the execration to which his name had been consigned by the revolutionary party, enforcing his exile from his own country. In France he is said to have married, and had issue several sons, from whom, if any male issue is extant, the heir would be intitled to the Jeffery's Peerage.

KINGSTON.

Though the title of duke of Kingston may be perfectly extinct, it does not follow that the previous creation of viscount Newark and earl of Kingston is also extinct. There is a family of Pierrepont, which was among the early emigrants to America, where they became settled, and are now resident. A Mr. Pierrepont, of Brooklyn, on Long Island, has a very considerable landed property. He claims descent from the Peerage House with much apparent grounds; but his pedigree wants the legal evidence to connect his line with that of the first creation: yet there is no doubt of his derivation from the same family, of which, not unlikely, he is at this day the heir male representative.

LEICESTER DUDLEY.

Sir Robert Dudley created earl of Leicester by queen Elizabeth, according to Dugdale and other peerage writers died without legitimate issue; but it seems, that the son whom he stiled in his will *his base son*, was afterwards in the reign of James the I. allowed to have been legitimate. This son lived in the territories of the Grand Duke of Tuscany, by whom he was created a duke, and where he is stated to have married a daughter of Sir Robert Southwell, of Wood Rising, in Norfolk, and to have had issue male by her, which if so, and they were lawfully born, may raise the question how far, provided there remain any heir male representative of them, the Dudley title of Leicester is now extinct, notwithstanding the said title of Leicester was subsequently conferred upon the family of Sydney.^a There is a most respectable family named Dudley, resident in the United States of North America, said to be descended from one of those sons.

LEICESTER SYDNEY.

How far this earldom, which was given to Sir Robert Sydney, nephew to the before named Dudley, earl of Leicester, on his presumed death without legitimate issue male, may be extinct, is a point of much doubt, there being several persons of the name of Sydney who are reputed descended in the male line from the peerage house, and a branch also resident in the United States.

Many years after the death of Jocelyn Sydney, the seventh and considered the last earl of Leicester of his family, a Mr. John Sydney, styling himself son and heir of the said earl Jocelyn, preferred a claim to the earldom, as also to Penshurst Park, and premises in the county of Kent. This claim came on by a trial at bar on a writ of right in the Court of Common Pleas, the 11 Feburary, 1782.

On this occasion Mr. Sydney claimed as son and heir of Jocelyn, late earl of Leicester, who was seised in fee of the said premises, and other considerable estates; but having so claimed, it was answered by the tenant that the said earl Jocelyn had by will given his estates away from him the heir at law, which if seised in fee, he was enabled to do. The demandant failed in his claim; though had he set forth that earl Jocelyn was only tenant for life, with remainder to his issue male, and that he was such issue male, he might have been more fortunate. But the great point in the case, namely, *his legitimacy*, was not called in question, his demand being defeated by the tenant's answer.

The Lord Chief Justice (Loughborough) on summing up said:—

^a Vide printed letter to Lord Brougham respecting the Courtenay earldom of Devon, which title had been given to other families, on the conclusion that it had become extinguished in that of Courtenay.

"Gentlemen of the Grand Assize, what has passed in court has made it very unnecessary for me to say anything more to you upon this subject than this, the single question is, whether the person in possession is intitled to hold that possession against the claim of one who has proved to you in court, as it is admitted, that he is the son of Jocelyn, earl of Leicester, and that Jocelyn, earl of Leicester, was seised in fee of the estate. That estate he has devised away by a will duly executed, therefore there is a mere impossibility the demand can have any right; therefore you will not in this case find any difficulty in finding your verdict for the tenant.

"Jury—we are all agreed the tenant has the better right." ^a

LEIGH OF STONELEY.

This barony which had been looked upon as extinct, was claimed a few years since by a person who deduced his descent from Christopher Leigh, a fourth son of the first created peer, and who asserted that a monument to the memory of the said Christopher had been withdrawn, in some clandestine manner, from the church wherein it had been erected, for the wilful purpose of suppressing the inscription it had thereon, setting forth the issue of that person, and which, had it been remaining would have proved the claimant's pedigree. The evidence adduced before the Lords' Committee of Privileges on the hearing of this case was of a most extraordinary, and conflicting nature; but the result was, that their lordships resolved against the right of the unfortunate petitioner. Without commentary on this decision, it may suffice to observe, that there is every reason to be convinced the title is not extinct, though the heir male may be an individual whose means are not adequate to contend with the powerful influence of the party which possesses the estate, co-descendable with the Leigh peerage.

MONTAGU.

The viscounty of Montagu was supposed to have become extinct upon the death of Mark Anthony Browne, the ninth viscount, s.p., in 1797. But a petition of claim is now by his Majesty's order of reference, before the Attorney General, for his report.

NORTHUMBERLAND.

The ancient earldom of Northumberland, in the Percy name, has ever since the death of Jocelyn, the eleventh earl, who died in 1670, s. p. m., been considered ex-

^a These proceedings are enrolled of record in the Treasury of the Court of Common Pleas, at Westminster, on two folio rolls, No. 441, 442.—Easter Term, 21 Geo. III.

ting. Without making any comment upon the pretension of James Percy, who at the time was denominated an impostor,* there is great reason to believe that a true heir male is still existing, either in the family of Percy in Belgium, or in the United States of North America. When at Brunswick, in the province of Maine, the author of this breviary saw, in 1825, two fine young men of the name of Percy, who, in their lineaments had a strong likeness to the portraits of the celebrated Hotspur, Lord Percy. It is to be remarked that, George Percy, a younger son of the then earl of Northumberland, was among the early adventurers in the settlement of Virginia, along with the lord Delawarre, by whom, on his departure, he was left deputy governor of the colony.

The Percy pedigree represents this George Percy to have died s. p.; but in the absence of any good authority to prove that fact, the before mentioned young men, from the long settlement of their family in that country, seem to warrant the presumption of their descent from the Northumberland house of Percy.^b

OXFORD.

The earldom of Oxford, which for twenty descents continued in the male line of Vere, and is supposed to have expired upon the decease of Aubrey de Vere, the twentieth earl, in 1702, s. p. m., has been said to have an heir male yet existing—a circumstance more probable than otherwise; but the once large estates of the family, and the high office of hereditary great chamberlain of England, having passed away by female heirship, the object of claim to an empty title, shorn of its ancient splendour, does not form such an incentive to claim it, as would be commensurate to the expense of the investigation of so long a pedigree; and this consideration has more contributed to keep back the heir male, than the perfect extinction of that line.

PERCY OF EGREMONT.

Thomas Percy, third son of Henry, second earl of Northumberland, was created lord Percy of Egremont the 28 Hen. VI., to hold the said title to him, and the heirs male of his body,—but according to Dugdale,* died the 38 of Hen. VI. without wife or issue. But from evidences at Northumberland House, among the records of the family,

* *Baronage*
Vol. I. p. 286.

^a Vide the article of Percy, in the fourth, or supplemental volume of the *Dormant and Extinct Baronage*.—Edit. 1837.

^b Vide interesting account of the Lord Willoughby, of Parham, in vol. 3 of the *Dormant and Extinct Baronage*.—Edit. 1809.

it is clearly established that he had issue a son John, though the name of his wife is not mentioned. This John is supposed to have declined taking his father's title in consequence of the diminution of his fortune in the wars between the Houses of York and Lancaster, during which his father was slain. What became of this unfortunate person, there seems no further account to be found in any genealogical, or other history; yet, there is reason to believe that he lived in retirement, married, and had issue; for in Drake's Antiquities of York,* there is a plate representative of the following portraiture * p. 306. depicted on painted glass, in one of the windows of the church of St. Dionyse, in that city, where, in Walmgate, the earls of Northumberland had a mansion, *viz* :—

1, George Percy, Dom. Egremont. 2, Dom. Marg' Percy. 3, Dom. Agnes Percy. 4, Sir Ralph Percy. 5, Richard Percy. 6, George Percy, apparently a youth.

These indicate that George, lord Egremont had issue; that *Dom. Marg' Percy*, the first female, was *his wife*; and the others *his children*,—hence a question, whether his male issue has utterly failed?

WILLOUGHBY OF PARHAM.

An interesting account of this barony is to be seen in the 3rd volume of the Dormant and Extinct Baronage of England. It is presumed to have become extinct in 1779; but it is more probably still existing (though unclaimed) in the family of Willoughby, resident in the United States of America, with which the editor became acquainted when in that country, in 1825. It is to be recollected that the baron who died in 1779, was descended from Ambrose Willoughby who emigrated to America, and was second son of Charles, the second baron, but whose line not having been heard of for very many years, was concluded to have failed of issue, and as such was supplanted by a younger branch. But (as shown in the before cited volume) afterwards re-acquired its rights.*

WILTSHIRE.

It admits of doubt how far this title of earl of Wiltshire does properly belong to the marquis of Winchester. When William Paulet, the first peer of the family, was

* An observation here obtrudes itself, how far, when Thomas Willoughby was summoned to parliament as lord Willoughby, on the presumption that the issue male of Ambrose, eldest brother to Charles, his grandfather, had become extinct, did by virtue of that writ of summons acquire a barony in fee, as a distinct creation. He not being the right heir of succession, as shown by the decision of the House of Lords, when Henry, the descendant and heir male of the body of the said Ambrose Willoughby, afterwards claimed and was allowed the peerage, the Lords declaring that the previous barons Willoughby had sat near one hundred years without right.—*Vide Case of de Clifford, Barony cor. Dom. Proc.*

advanced to the title of marquis of Winchester, he resigned the earldom of Wiltshire to which he had been previously raised ; and a *vacatur* was entered on the roll accordingly. That the said earldom was looked upon as thereby vacant is manifested by the fact that the first lord Hunsdon (who was first cousin to queen Elizabeth) coveted it, because, before it had been conferred on Paulet, it had been given by king Hen. the VIII. to Sir Thomas Boleyn, father to queen Anne Boleyn, and of his (lord Hunsdon's) mother, Mary Boleyn. But the queen who was not so liberal in granting honours as his late majesty Geo. the III., was deaf to his application, which refusal is recorded to have so affected him, as to bring on his death, which when Elizabeth was told was approaching, hastened by his acute feeling of disappointment, she is said to have personally visited him with the charter of creation, and coronet on a crimson cushion. The old baron however was broken hearted, and answered her majesty thus, "*Madam, seeing you counted me not worthy of this honour whilst I was living, I count myself unworthy of it now I am dying.*"^a Lord Hunsdon was interred in Westminster Abbey, where a sumptuous monument remains erected to his memory ; which when shown to visitors of that Dormitory of earthly grandeur, is always accompanied with the before mentioned story.

The resolution of the House of Lords made in the Purbeck case, respecting the surrender of titles, was long after the time of Paulet's surrender of the earldom of Wiltshire, and was not retrospective as to such honours as had theretofore been resigned into the hands of the crown.^b

It may not be irrelevant to remark, that while the lords were so careful and zealous to secure the continuation of their peerages from the caprice of an individual, who from spiteful or malignant motives, might be inclined to disappoint an heir from the right of succession thereto, the law of recovery should be allowed to prevail, whereby an estate tail may be barred, and thus the high dignity of a peer of the realm be left without a sixpence of property to support its rank, as in the instance of various noblemen of the day may be pointed out.

^a Vide the article Hunsdon, in Vol. III. of the Dormant and Extinct Baronage.

^b Paulet's resignation was in consideration of an higher dignity ; but that of Villiers, Viscount Purbeck, was to prevent the succession of the title, and extinguished it.

SCOTCH TITLES.

THE Peerage of Scotland, with respect to its course of descent, differs greatly from that of England, as may be seen in the very extraordinary limitations mentioned thereof by Douglas, Crawford, and other Scotch genealogical writers. The power of surrender of their titles *ad libitum*, and the re-acquirement of them for new enfeoffment or limitations by charter of *novo-damus*, forms a peculiar feature, and renders many so very complex as to make difficult of construction the right vested in them, for those who sometimes become claimants to their succession.

It is to be observed, that of the various peerages attainted for the Rebellion of 1715 and 1745, some of them were not altogether so forfeited as to become absolutely extinguished; but were merely suspended during the existence of issue from the bodies of the attainted persons, after whose expiration the line of succession opened upon the collateral heirs, to whom the respective honours by their charters of creation were destined to descend on the event of such failure.

The Records of Scotland having been carried away by Cromwell, Sir Archibald Primrose, then Lord Registrar of Scotland, applied to have them returned, and they were accordingly put up in casks; but the earl of Clarendon imagining that the original covenant signed by the king was amongst them, and being apprehensive an ill use would be made of that paper, if it was re-acquired in Scotland, unpacked the casks to search for it, although Sir Archibald promised to look carefully for it when they came down, and to send it up by a special messenger.

It was not however found upon a search made; and so much time was lost thereby, that the records were afterwards sent down in winter, and the vessel (the Eagle) was cast away near Berwick, by which misfortune the greater part of them were entirely lost, and such as were saved, were so damaged by the salt water, as to be rendered almost unintelligible; and sixteen leaves of the Register of the Great Seal are said to be still wanting, in which some patents of nobility are supposed to have been inscribed.

It may deserve notice, that by the 11 of Hen. VII., it was enacted that no person should be attainted of treason for having adhered to that king who should be in possession for the time, though he should be afterwards declared a usuper. This act was solely

English; yet the justice of it might, in the administration of mercy, be considered to have an interesting reference to those unfortunate noblemen, who were made victims for their adherence to the cause of their lawful sovereign king James the second.

THE FOLLOWING NAMES OF SCOTCH DORMANT TITLES MAY BE
CONSIDERED OPEN TO CLAIM :

Those thus marked * are under claim.

*Annandale,	Marq.	*Lenox,	Earl.
*Annandale,	Earl.	Lindores,	Bar.
Balmerino,	Bar.	*Lovat,	Bar.
*Borthwick,	Bar.	Lyle,	Bar.
Bothwell,	Earl.	Linlithgow,	Earl.
Burleigh,	Bar.	*Marchmont,	Earl.
Calendar,	Earl.	*Melfort,	Earl.
Carlisle,	Bar.	*Menteith,	Earl.
Carnwath,	Earl.	Middleton,	Earl.
Cromartie,	Earl.	Nithisdale,	Earl.
Dudhope,	Bar.	Ochiltree,	Bar.
*Duffus,	Bar.	Oliphant,	Bar.
Dunbar,	Earl.	Oxfurd,	Bar.
Dundee,	Bar.	Panmure,	Earl.
Dumfermline,	Earl.	*Perth,	Earl.
Findlater,	Earl.	Pitsligo,	Bar.
Forth,	Bar.	Pittenweem,	Bar.
Frendraught,	Bar.	Preston,	Bar.
Glencairne,	Earl.	Rutherford,	Bar.
Herries,	Bar.	Seafield,	Earl.
Holyroodhouse,	Bar.	Southesk,	Earl.
Hyndford,	Earl.	Spynie,	Bar.
Kenmure,	Earl.	*Stirling,	Earl.
Kilmarnock,	Earl.	Torpichen,	Bar.
Kincleven,	Bar.	Traquair,	Earl.
Kirkcudbright,	Bar.	Wigtown,	Earl.
Kylsyth,	Bar.	Wintoun,	Earl.
*Lenox,	Duke.		

Of these titles, several are at present under claim; with the addition thereto of the earldoms of Lindsay and Crawford, which latter have been long pending.

The claim to the dukedom of Lenox, preferred by the late earl of Darnley, and suspended proceeding by his death, and the minority of his son and heir, embraces a question of rather an intricate nature, there being very few cases in the Scotch peerage, as applicable to the point on which the dukedom is claimed. The barony of Burleigh seems to present a precedent; but much of the argument on the part of the claimant is endeavoured to be supported by analogy to English titles, created by writ, where the right of succession descends to heirs general of the body of the person first summoned to parliament; the writ not containing any precise or limited course of succession.

IRISH PEERAGES.

THE most ancient baronial titles in Ireland appear to have had their origin from the same foundation, as the similar honours were at that early period enjoyed in England, namely, either the possession of land, or by writ of summons to parliament. But the possession of land constituted the baronial dignity in the reign of Hen. the II., when the first invaders, or adventurers, went into that kingdom from England; afterwards, as the constitution of parliament became better regulated, and rendered conformable to the practise of assemblage in England, these great landholders had their writs of summons in similar form to those of the English barons, and were thereby called to legislate with the earls and great noblemen in their own kingdom. Assuming this to be the nature of the first Anglo Irish Baronies, it follows to be considered whether the subsequent writ of summons (which most certainly emanated from, or was the consequence of the tenure) did by virtue thereof constitute a baronial peerage, descendable in the blood of the person summoned, independently of his possession of the land.

In a claim to the ancient Irish barony of Slane, some time since pending before the lords' committee of privileges, it is set forth that the heirs male, who continued to inherit the estates of Slane, were always summoned to parliament as Irish barons: whereas had the

first of the family summoned to parliament been created a baron by that writ of summons, then the heirs general would have been intitled to the succession in preference to the heir male. But it would rather seem, that the origin of the peerage arose from the possession of the estates, which, by reason of some entail, descended unto the heir male: who thereby acquired a kind of prescriptive right, which depended upon the continued inheritance of the lands, and terminated when the possession ceased. But no decision was finally made in behalf of the contending claimants.

No creation of a baron in Ireland by patent is on record, till the 2 Edw. IV., (1462), when Sir Robert Barnwall was created baron of Trimleston, by patent under the great seal of England, to hold to him, and the heirs male of his body.

The first earldom granted in Ireland was that of Ulster to John de Courcy, but the charter it seems, is not at this day extant. On his forfeiture, the earldom was given to Hugh de Lacy, to hold to him "*et hæredibus suis*," similarly as it had been given to John de Courcy. By the heir female of Lacy, it came to Lionel, duke of Clarence, in right of his wife, and by his heiress eventually to the crown, in the person of king Edward the IV.

The next earldom conferred, was that of Carrick to Edmund le Botiler, (9 Edw. II.) to be enjoyed by him and *his heirs for ever*. But although this earldom was so limited, yet in the same year (9 Edw. II.) the title of earl of Kildare was created in the person of John Fitz-Thomas, with restriction to him, and *the heirs male of his body*; being the first instance of a creation to *heirs male* in Ireland. The next was that of the earl of Louth, 12 Edw. II.; from which period Irish peerage honours, excepting a very few baronies, were limited to the male line of succession.

The following list is considered to contain the names of some titles in the Irish peerages which are rather dormant than positively extinct, and of which several are under claim.

ATHENRY—Reported by the Attorney-General of Ireland, to be in abeyance.

BARRY—Supposed an ancient barony by writ.

BARRYMORE—An earldom, the superior title of the Barry family.

BULKELEY—The viscounty.

BUTTEVANT—The second title of the earl of Barrymore.

CRUYS—A barony by summons.

CUSAC—A barony by summons.

DE LA HIDE—A barony by summons.

DELVIN—Barony by summons, reported in abeyance, November, 1800.

FAIRFAX—The viscounty.

FITZ-WILLIAM—The viscounty.

HOWTH—Barony by summons, fell into abeyance on the death of Edward, the 18th baron, s. p. m., anno 1549.

HUSSEY of Galtrim—Barony by summons.

KERRY—The barony supposed by writ of summons.

KILLEEN—A barony by summons, reported to be in abeyance, March, 1813.

KINSALE—Although this ancient barony has been allowed to the heir male, yet, not any patent for such limitation is known to be upon record, and it is presumed to have been admitted under a misconception of the original creation of the honour.

LE FLEMING—A barony contended to have had its origin by writ of summons.

MONTGOMERY AND MOUNT ALEXANDER—These two titles, the first of viscount, the second of earl, are vested in the same line of male descent, and are supposed to have an heir still extant, but the family estates are gone into the hands of strangers.

ROSSE—The earldom and viscounty in heirs male.

SLANE—A barony asserted to have been created by writ of summons; so claimed by one party, and contra-claimed by another. No decision.

TRACY—The viscounty under claim.

UPPER OSSORY—A barony and earldom considered extinct on the death of the late earl.

BARONETCIES.

THE Order of Baronets being a degree of rank inferior to that of the Peerage, and not invested with similar privileges, to render it desirable beyond the enjoyment of an empty title, dictated by vanity and ambition, has occasioned many of the baronetcies to be considered as extinct, from the heirs of succession not continuing the use of the title, probably from decayed circumstances, and the ancient landed patrimony either sold, or passed away into female heirs.

In the case of inheritable honours, it is much to be regretted, that the actual possession of a certain landed estate, of value according to the rank conferred, should not be made the basis of qualification, and limited to descend inalienably with the patent of creation. Rank would not then be disgraced by poverty, as in too many instances, it unfortunately is at the present day.

The following list of baronetcies is considered to contain the names of those which are dormant rather than extinct.

Adams of London, created 13 June, 1660.
 Belasyse of Newborough, county of York, created 29 June, 1611.
 Bellingham of Hilsington, county of Westmoreland, created 30 May, 1620.
 Birkley of Attleborough, county of Norfolk, created 3 September, 1661.
 Bland of Kippax Park, county of York, created 30 August, 1642.
 Bolles^a of Scampton, county of Lincoln, created 24 July, 1628.
 Booth of Dunham Massy, county of Chester, created 22 May, 1611.
 Boreel of Amsterdam, created 21 March, 1644.
 Briggs of Haughton, county of Salop, created 12 August, 1641.
 Brown of London, created 14 December, 1699.
 Brown of Edinburgh, created 24 February, 1709.
 Burton of Stokerston, county of Leicester, created 22 July, 1622.
 Carpentier of France, created 9 October, 1658.
 Castleton of St. Edmondsbury, county of Suffolk, created 9 August, 1641.
 Chester of Chichley, county of Bucks., created 23 March, 1619.
 Corbet of Leighton, county of Montgomery, created 20 June, 1642.
 Curtius, resident in Sweden, created 2 April, 1652.
 Davies of London, created 11 January, 1685-6.
 Delaval of Seaton, county of Northumberland, created 29 June, 1660.
 De Neufville of Frankfort, Germany, created 18 March, 1709.
 De Raedt of Holland, created 30 May, 1660.
 Dryden of Canons Ashby, county of Northampton, created 16 November, 1619.
 Duddleston of Bristol, created 11 January, 1691-2.
 Elwes of Stoke, county of Suffolk, created 22 June 1660.
 Ernle of New Sarum, county of Wilts, created 2 February, 1661-2.
 Everard of Much-Waltham, county of Essex, created 29 January, 1628-9.
 Gans of the Netherlands, created 29 June, 1682.
 Gostwick of Willington, county of Bedford, created 25 November, 1612.
 Halford of Welham, county of Leicester, created 27 June, 1706.
 Hamilton of London, created 11 May, 1642.
 Hele of Flete, county of Devon, created 28 May, 1627.
 Hewet of Headly Hall, county of York, created 11 October, 1621.
 Jackson of Hickleton, county of York, created 31 December, 1660.

^a There is reason to believe this Baronetcy was extended to *heirs male whatsoever*. Dame Mary Bolles was created a baroness of Nova Scotia, and had sasine of the lands of her barony in that province.

Langley of Higham Gobion, county of Bedford, created 29 May, 1641.
 Lawson of Brough, county of York, created 6 July, 1665.
 Leman of Northaw, county of Hertford, created 3 March, 1644-5.^a
 Mayney of Linton, county of Kent, created 29 June, 1641.^b
 Mercés of France, created 1660.
 Meredith of Stainsley, county of Devon, created 13 August, 1622.
 Middleton^c of Ruthyn, county of Denbigh, created 22 October, 1622.
 Moody^d of Garesden, county of Wilts, created 11 March, 1621-2.
 Morgan of Lanternam, county of Monmouth, created 12 May, 1642.
 Mottet of Leige, in Flanders, created 16 November, 1660.
 Napier of Punknol, county of Dorset, created 25 February, 1681-2.
 O'Neill of Upper Claneboys, Ireland, created 13 November, 1643.
 Peyton of Isleham, county of Cambridge, created 22 May, 1611.
 Powell of Birkenhead, county of Chester, created 29 January, 1629-30.
 Price of Newton, county of Montgomery, created 15 August, 1628.
 Richards of Brambletye House, county of Sussex, created 22 February, 1683-4.
 Russel of Chippenham, county of Cambridge, created 19 January, 1628-9.
 Sas Van Bosch of Holland, created 22 October, 1680.
 Skipwith of Newbold Hall, county of Warwick, created 25 October, 1670.
 Tempest of Stella, county of Durham, created 23 December 1622.
 Tirwhitt of Stainfield, county of Lincoln, created 29 June 1611.
 Tollemache of Helmingham, county of Suffolk, created 22 May, 1611.
 Valckenburgh of Middleling county of York, 20 July, 1642.
 Van Friesendorf of Herdeck, in Sweden, created 4 October, 1661.
 Van Tromp of Holland, created 25 March, 1673-4.
 Vander Brande of Cleverskirke, in Holland, created 9 June, 1699.
 Vitus (alias White) of Limerick, Ireland, created 29 June, 1677.
 Winderbank of Kaines, county of Wilts, created 25 November, 1645.
 Wyche of Chewton, county of Somers., created 20 December, 1729.
 Yeamans of Bristol, created 12 January, 1664-5.

^a There is a very large estate supposed to belong to the heir of this family, which has been claimed at various times by several persons.

^b There is reason to believe the heir of this title still exists in great poverty. The first baronet ruined his fortune in the service of Charles the I.; his son, the second baronet, died for want; and his brother hung himself for the same cause.

^c The heir of this baronetcy is supposed to be living in great poverty.

^d The heir to this baronetcy is believed to be resident in the United States of America.

HISTORICAL ACCOUNT
OF THE
FIRST SETTLEMENT OF NOVA SCOTIA,
AND THE FOUNDATION OF
THE ORDER OF NOVA SCOTIA BARONETS.

—
CHAP. I.
—

THE dignity of a baronet, as an hereditary title, was first instituted by king James the I., (of England), who, when Sir Oliver Lambert had reduced the province of Ulster, in Ireland, his majesty with a view to preserve it in subjection, and encourage a plantation therein, by English settlers, as also for the general security and defence of the whole kingdom of Ireland, and for promoting its cultivation and civilization of the people, erected the order of baronets, the 22nd of May 1611. On this occasion the king appealed to the loyalty and patriotic spirit of the most respectable and wealthy commoners of ancient families, in the realm, and invited such individuals of that description as were willing to accept the honour, and for its obtainment, would engage to maintain thirty foot soldiers, in Ireland, at eightpence per day, at their own expense, for three years, and would remit the first year's pay into the royal exchequer to come forward and receive letters patent of exaltation to the said dignity of baronet, which for its greater distinction, the king solemnly stipulated for himself, and his successors, that no intermediate hereditary honour between that of baronet and peer of the realm should ever be created thereafter.

It has been generally considered that the money thus raised was applied wholly to the supply of king James's personal exigencies; and it has been further considered that no other application was ever contemplated: the one may perhaps be well founded; but the other would be scarcely credible, unless the character of that profligate, yet sordid prince, was such as to afford reason to believe any base action reported of him, perfectly in accordance with truth.

It would not seem that this new order of rank, or semi-lordly degree, had so much attraction as the king had expected; for there were only seventy-six persons whose names foundation of the order, was that each knight should in the first instance qualify himself

appear from the various printed lists to have taken it, of which forty are now supposed to be extinct; until the 25th of November, in the following year, viz., 1612, no more baronets are noticed to have been created, and then only seventeen—making the total number created in four years, *i. e.*, from the 22nd of May, 1611, to the 27th of May, 1615, only ninety-three, which shows that the funds for the royal purpose, whatever that purpose may have been, came very slowly into the exchequer.

After this institution, and not long before his death, king James formed the idea of founding a similar order of rank for his Scottish subjects; and inasmuch as the one just mentioned, was for the security and defence of the kingdom of Ireland, and for encouraging persons of ambition, wealth, and consideration to make settlement therein, so the institution of Nova Scotia baronets was intended for the advancing the plantation of that district of country in America, which he had recently annexed to his kingdom of Scotland, and for establishing a colony there, to the aid of which these knights were designed. His majesty, by charter dated at Windsor the 10th day of September, 1621,* made a grant to Sir William Alexander, of Menstrie, knight, his favorite counsellor and secretary of state for Scotland, of a certain extent of territory in America, contained within particular boundaries recited in a copy of the said charter, set forth in No. I. of the appendix hereto attached, which territory in all time therefrom, and thence ensuing, was to be denominated Nova Scotia, and annexed to his majesty's kingdom of Scotland; the said name being given in contradistinction to that other territory of country, which had theretofore been granted by special charter (situate also in America), to certain persons incorporated by the name of the Plymouth company, and which territory was then designated new England.

* Appendix
No. 1.

King James having deceased shortly after this grant to Sir William Alexander—and his son Charles having succeeded to the throne—he was pleased to carry out the intentions of his royal father; and for that purpose, by another charter, called *de Novo Damus*, dated at Oatlands, the 12th day of July, 1625, re-gave and confirmed to Sir William Alexander, his heirs and assignees all the said territory of Nova Scotia, to be enjoyed by him and them in full regality, hereditarily for ever; with very special privileges, rights, and immunities, as detailed in a copy of the charter printed in No. 2, of the appendix hereto. These most extensive grants were afterwards ratified and confirmed in the first parliament of Scotland, holden at the castle of Edinburgh, the 28th of June, 1633,† the king himself being present therein. And Sir William had seisin under the said charter given to him at the castle of Edinburgh, soon after, as therein mentioned and ordained.

† Appendix
No. 15.

On reference to the first charter, in 1611, it will appear that notice is therein made of the knights baronets of Nova Scotia; but in the subsequent charter of Nova Scotia, in 1625, they will be found particularly alluded to; and that the groundwork of the

by agreeing with Sir William Alexander, for a certain district of land in that country, to be erected into a barony, to be holden either of Sir William, or of the king, as might be agreed on by the party; and having thus qualified, a patent of creation should be then passed free of any compensation to be made by the said baronet, for the obtainment thereof from the crown: for this purpose the charter thus recites, viz.:

“And that men of honorable birth may be incited to the undertaking of that expedition, and the settling of planters in the said lands, We for us and our heirs and successors, with advice and consent aforesaid, in virtue of our present charter, give and grant free and full power to the said Sir William Alexander, and his foresaids, of conferring favors, privileges, offices, and honours on the deserving, with plenary power of disposing and overgiving to them, or any of them, who shall happen to make the aforesaid agreements or contracts for the said lands, with him, Sir William, and his aforesaids, under his subscription, or theirs, and their seal, any portion or portions of the said lands, &c., as to him shall seem fit, &c.” Further, the charter recites, viz.:

“Therefore that this our present charter, may be more effectual, and that seisin thereupon may be more conveniently taken, it is necessary that seisin of all and sundry the aforesaid lands, of the said country and lordship of Nova Scotia be taken within our said kingdom of Scotland, and on the grounds and lands of the same in the most eminent place thereof, which can neither conveniently nor lawfully be done without an express union of the said country and lordship of Nova Scotia to the said kingdom of Scotland. Wherefore for the advantage and readier convenience of the aforesaid seisin, we with the advice aforesaid, have annexed, united and incorporated, and by our present charter, unite, annex, and incorporate with our said kingdom of Scotland, all and sundry the aforesaid country and lordship of Nova Scotia, with the teinds and teind sheaves thereof included, and all and sundry parts, purtiments, privileges, jurisdictions, and liberties of the same, and others generally, and specially above mentioned; and by our present charter, will, declare, decern, and ordain, that one seisin now to be taken at our castle of Edinburgh, as the most eminent and principal place of our said kingdom of Scotland, of all and sundry the said lands, country, and lordship of Nova Scotia, or any part of the same, with the teinds and teind sheaves thereof included, respectively, is, and shall be sufficient seisin for all and whole the aforesaid lands, country, and lordship of Nova Scotia, notwithstanding the said lands, country, and lordship of Nova Scotia are far distant, and lie discontinuous from our said kingdom of Scotland, as to which, we, with advice and consent aforesaid have dispensed, and by our present charter for ever dispense, without prejudice and derogation always to the said privilege and prerogative granted to the aforesaid Sir William Alexander, and his heirs, and assignees, of making and establishing laws, acts, and statutes concerning all and sundry the aforesaid lands, country, and lordship of Nova Scotia, as well by sea as by land; and by our present charter we

declare, that notwithstanding the said union, which is declared to be granted solely for the advantage and convenience of seisin, the said country and lordship of Nova Scotia shall be judged, ruled, and governed by the laws, and statutes made, and to be made, constituted and established, by the said Sir William Alexander, and his heirs and assignees, relating to the said country and lordship of Nova Scotia, in like manner, and as freely in that respect as if the said union had never been made, or hitherto granted."

"And further, notwithstanding the aforesaid union, it shall be lawful to the aforesaid Sir William Alexander and his heirs, and assignees, to give, grant, and dispone any parts, or portions of the said lands, country, and lordship of Nova Scotia, heritably belonging to them, to and in favour of whatsoever persons, their heirs and assignees, heritably, with the teinds, and teind sheaves thereof included (provided they are our subjects) *to be holden of the said Sir William Alexander, or of us*, and our successors, either in blench farm, fee farm, or in ward and relief, *at their pleasure, and to intitle and denominate the said parts and portions by whatsoever stiles, titles, and designations shall seem to them fit, or be in the will and option of the said Sir William Alexander and his aforesaid, which infeftments and dispositions shall be approved and confirmed by us, or our successors, freely, without any composition to be made therefor.*

"Moreover we and our Successors shall receive whatsoever resignations shall be made by the said Sir William Alexander, and his heirs and assignees, of all and whole the aforesaid Lands and Lordship of Nova Scotia, or of any part thereof in our hands and (those) of our successors, and commissioners aforesaid, with the teinds and teind sheaves thereof included, and others generally and specially above mentioned, to and in favour of whatsoever person or persons (provided they are our subjects, and live under our obedience) and they shall pass infeftments thereon, to be holden in free blench farm of us, our heirs and successors, in manner above mentioned, freely without any composition."

"Further we for us, and our successors, with advice aforesaid, have given, granted, ratified, and confirmed, and by our present charter, give, grant, ratify, and confirm to the said Sir William Alexander, and his heirs and assignees, all places, privileges, prerogatives, preeminences, and precedencies whatsoever, given, granted, and reserved to the said Sir William Alexander, and his heirs and assignees, and his successors, lieutenants of the said country, and lordship of Nova Scotia, *on behalf of the Knights Baronets, and remanent portioners, and associates of the said plantation*, so as the said Sir William Alexander, and his heirs male descending of his body, as lieutenants aforesaid, shall and may take place, prerogative, preeminence, and precedence, as well before all Esquires, Lairds, and Gentlemen of our said kingdom of Scotland, as before all the aforesaid Knights Baronets of our said kingdom, and all others, before whom the said Knights Baronets in virtue of the privilege granted to them, can have place and precedence, for the advancement of which plantation and colony of Nova Scotia, and in respect of it, especially the

said Knights Baronets were, with advice aforesaid, created in our said kingdom of Scotland, with their state and dignity, as a special token of our favour conferred upon such gentlemen, and honourably born persons, portioners of the aforesaid plantation and colony; with this express provision always, that the number of the aforesaid never exceed one hundred and fifty."

Thus far the charter, under which the Nova Scotia Baronets were primarily created, and grants of lands conceded to be made to them, to constitute their respective qualifications, and to enable them to further out the intention of colonizing the plantation, and of sustaining their title and dignity. But though the inducement to the establishing the order was obviously to benefit the then infant colony, it was not stated what quantity or proportion of land should constitute or form the qualification, this omission was therefore supplied seven days after the date of the charter, by the letter of his majesty king Charles to the privy council of Scotland, dated July 19, 1625, whereby it is ordained to be, viz., "Thrie myles in breadth and six in length, of landes within New Scotland, for their several proportions; and to the end that those are to be Baronetes, and to help thereunto, may not be hinderit by coming unto us for procuring their grantes of the said landes and dignities, but may have them there with less trouble to themselves and to us. We haif sent a commissione unto you for accepting surrendris of landes, and for conferring the dignitie of baronet upon such as shall be found of quality fitt for the same, till the number appointed within this said commission be perfected, &c., &c."

The professed object in giving this extensive privilege, was evidently to induce persons of fortune and character to join Sir William Alexander in settling, (with an interest to themselves) the new Colony; but this object was very slow in meeting the desired effect. The institution of the dignity met with great opposition, and Sir William became very unpopular as the projector of it. It interposed a new degree of rank between the lairds and the peerage; which was obnoxious to the lairds, who had considered themselves to stand in the next degree: the subject was made matter of strong and repeated remonstrances against it, as the records of the proceedings in the parliaments of Scotland for a time, will show. The repugnance to recognise the order, may account for the few persons who came forward to accept of it; so that Sir William Alexander was left chiefly to his own means, and the king's countenance, to carry on his undertaking.

In 1629, however, Sir William had so far succeeded, as to have a thriving colony in Nova Scotia, and his eldest son and heir apparent, Sir William Alexander, had gone there as his lieutenant. This being the case, his majesty king Charles, to give stronger encouragement to persons of honour and character to join their assistance; and also to render the dignity of baronet more inviting to seek, was pleased to confer upon the order the special distinction, that the said baronets and their heirs male, should thenceforth wear, and carry about their necks, an orange tawny silk ribbon, whereon shall hang pendant

in an Escutcheon Argent, a Saltier Azure, thereon, an Escutcheon of the Arms of Scotland, with an imperial crown above the Escutcheon and encircled with this motto, "Fax mentis honestæ gloria." This letter is printed in the appendix, No. III.

It is here to be observed that the right of creating the baronets, did not rest in the king, but in his grantee, Sir William Alexander,—the institution of them was not like a peerage flowing from the grace of the crown for the mere purpose of conferring honour; but it was specially erected to carry into effect a particular object, which object was made a stipulation to give an interest to the baronet thereupon created, to promote it;—thus the king having granted away the whole country of Nova Scotia, had divested himself of the lands and territories comprehended in his charter, and this charter was confirmed (as before mentioned) by the parliament of Scotland, his majesty himself being present therein. The king therefore had not any lands to give, and the basis of conferring the title was affixed to the previous agreement to be made with Sir William Alexander, for the acquisition of the land, which agreement was engaged to be confirmed by the king, without any composition, should the party be desirous so to have it confirmed. It is evident then, that Sir William was the principal to grant the territory from which the title emanated;* and the king the accessory to confirm the grant by such style, title, and designation as had been in the will and option of Sir William and the party, when the same had been concluded upon between them.†

* Appendix
No. 18.

† Appendix
No. 2.

These observations are made to show, that although most of the baronets might make surrender of their lands obtained from Sir William Alexander, and thereupon get a charter of *Novo Damus* to hold of the crown, such charter was not an original creation of the baronetcy, but a ratification of it, as in the primary instance acquired from Sir William Alexander, and this point is more particularly made manifest by reference to the description of their baronies set forth in the seisins of those who had seisins thereof, and are now remaining on record in the register office at Edinburgh—again, the right of creation by Sir William Alexander (who had afterwards been advanced to the dignity of peerage by the title of earl of Stirling,) is shown to have continued in him even after the time when some historians have asserted that Nova Scotia was given up by king Charles the First, to the French. The proof is in the record of a deed, dated the 29th of January 1640, and registered the 15th of February following, whereby (bearing then the title of earl of Stirling,) he recites, viz:—

"Ffor sa mekle as we have patentis grantit to us by his mätie, of Nova Scotia, in America, and for disponing and resigning of certain proportions of land yairof, and procuring to sundrie persons the infestmentis of the samin fra his mätie, with the honor and dignitie of knyghtis baronettis have been in use to get fra every ane of the receavers yairof the soume of money of this realme, or yairby, and siclyk, &c." The deed then goes on to assign to certain trustees named therein, all the sums of money to be received

for the proportions of land and dignity of baronets, by them to be applied towards the payment of debts for which they are cautioners on his behalf, &c., as may be seen in the copy of the said deed in the appendix hereto. No. 20.

This deed enumerates the names of divers persons who then stood indebted to him in various sums of money, as would appear for their engagements to him for the honour of being created knights baronets of Nova Scotia ; these sums are assigned over to the said trustees, but it may be suspected they never were paid, for had they been discharged, it is not probable that his estates need have been apprised away, after his death, from his family, especially as these debts seem to have been owing, and unliquidated so short a period before his decease, which was in February 1640, the same year as the deed was executed.

* Sullivan,
Douglas, Hut-
chinson, et alii.

In the exercise of the power and authority vested in him, Sir William Alexander created one Claude de St. Etienne, a French gentleman, a person who had rendered him great assistance in the settlement of his colony, a baronet of Nova Scotia ; and according as his charter conditioned, made an assignation to him of a certain proportion of land to constitute his barony. This assignation, by various writers* of American history, has been called by them, a sale of the country of Nova Scotia, by Sir William Alexander, to the French, but it is plain these writers were perfectly ignorant of the true state of the case. The creation of St. Etienne runs in the following words, viz :—

“Be it knowne to all men, by these presents, me, Sir William Alexander, of Menstry, knight, his majesty’s lieutenant, and deputy, within the bounds, country, and dominion of New Scotland, in America, whereas by virtue of my original infeftment granted me of the whole country and dominion of New Scotland, by our late sovereign lord king James, dated at Windsor, the 10th of September, 1621. and by virtue of my other infeftment, granted to me of the same country and dominion, by our now sovereign lord Charles, &c., dated at Oatlands, the 12th day of July, 1625 : here is full power and authority granted to me, to confer titles of honour within the said country and dominion of New Scotland, to, and upon all and whatsoever person, or persons residing and remaining within the said bounds, and I the said Sir William Alexander having good experience of the worth and sufficiency of Sir Claude St. Estienne, knight, seigneur de la Tour and Uarse, and of his great affection to his majesty’s service, and knowing how, in particular he hath undergone great travel and pains to do his majesty, and me the said Sir William Alexander, as his majesty’s lieutenant of the said dominion, good service in advancing and furthering of that plantation, THEREFORE, WIT YE, me the said Sir William Alexander to have conferred, like as I the said Sir William Alexander, as his majesty’s lieutenant and deputy aforesaid, and having power and authority as said, (is in so farre as my said power and authority doth and may extend and no further) do by these presents confer in and upon the said Sir Claude St. Estienne, knight, and his heyres male of his body from tyme to tyme, in all tyme coming, the hereditary state, degree, order, name, dignity, and style of

baronet of New Scotland, with all sundry prerogatives, privileges, &c. In witness whereof, (written by William Alexander, my servant,) I have subscribed and delivered this patent, sealed with the great seal of the country of New Scotland, at his majesty's court of Whitehall, the 30th day of November 1629.—Signed, sealed, and delivered in the presents of Anthony Alexander, Henry Alexander, my sons, and William Alexander, the wrytter hereof."

A patent in similar words (*mutatis mutandis*) was granted by Sir William Alexander, to Charles St. Estienne, esquire, Seigneur de St. Denniscourt, and Baigneux, son of Sir Claude St. Estienne, dated at Whitehall the 12th of May, 1630, and signed, sealed, and delivered in the presence of the same witnesses. And here it is to be observed, that before the granting of the patent of baronetcy, *i. e.* on the 30th of April, 1630, Sir William Alexander resigned to the said Charles St. Estienne that proportion of land which was requisite to constitute the baronetcy conferred upon him. The record^a thus recites it, viz:—

"In the name of God amen.—Know all those to whom these letters patent shall see or shall heare read, that upon this 30th of April, 1630, before me Joseph Mayneh, notary and tabellior royal, dwelling in London, admitted and sworn by the authority of our sovereign lord the king, and in the presence of the witnesses hereunder named, were present in person, and my lord William Alexander, knight, lord of Menstry, and chief secretary of state for the king of Scotland, for his said majesty of Great Britany, privy counsellor of state and lieutenant unto his said majesty in New Scotland in America, on the one part, who having by letters patent from his said majesty under the great seal of Scotland, the donation of all the said country of New Scotland, called by the French the country of Accadie in America, unto him and his heyres in fief, and perpetual inheritance, bearing date the 10th day of September, 1621, he hath out of the respect and amitie which he beareth unto Sir Claude St. Estienne, and unto Sir Charles St. Estienne, esquire, lord of Deniscourt, his sonne, on the other part, the said Sir Claud de St. Estienne being present, accepting, and by these presents stipulating for his said sonne Charles being absent and for their heirs, and upon other considerations, the said lord Alexander hath given, and by these presents frankly and freely doth give unto the said knight de la Tour, and unto his said sonne and their heirs, they seeing cause perpetually and for ever to dispoone of as their own property, true and loyal acqurest, and conquest, all the country, coasts, and islands from the Cape and river of Ingagon, near unto the Cloven Cape in the said New Scotland, called the coast and country of Accadye, following the coast and islands of the said country towards the east, unto Port de la Tour, formerly named L'Omeray, and further beyond the said Port following along the said coast unto the Mirliqueshe, near unto, and

Ex. records of Suffolk county, in the state of Massachusetts, in North America. Lib. No. 3, Fol. 265.

beyond the Port and Cape of L'Heve, drawing forward fifteen leagues within the said ands towards the north, of all the which said lands and seas the said knight de la Tour, and his sonne shall receive all the fruits, profits, emoluments, &c., &c.; within which country, lands, and seas, they may make, build, and erect villages, towns, castles, fortresses, &c., as they shall see good, which said knight de la Tour, and his sonne shall hold and enjoye all the said country within the said limits from the king and the successors of the said crown of Scotland in fief and title of honour, *which the said Sir William Alexander to them by virtue of the power to him by the said patents given hath erected, and entitled by two baronies, namely the barony of St. Estienne and the barony of de la Tour*, which may be limited and bounded equally between the said knight de la Tour, and his said sonne, if they shall see cause; upon condition that the said knight de la Tour, as he hath promised, and for his said sonne by these presents doth promise, to be good and faithfal vassels of the said sovereign lord the king of Scotland and their heyres and successors. Furthermore, the said lord Alexander graunteth to the said knight de la Tour, and his sonne, and their heyres, and successors, and assigns that the right of admiralty in all the extent of their said lands, and limits; and the said lord Alexander shall cause these presents to be agreed unto and ratified by his said majesty, under the great seal of Scotland if need be. Each partie hath respectively signed, sealed, and delivered these presents made and passed in Martins-lane, near the city of London. Signed, W. Alexander, (*a little seal.*)

These two documents relating to Claude de St. Estienne, (more commonly called Claude de la Tour) and his son Charles, demonstrate in the first instance, that Sir William Alexander under his charters had the power and right to dispoise of and resign lands for the purpose of qualifying persons to become knights baronets of Nova Scotia, and of creating them, so qualified, to have, hold, and enjoy that dignity; and in the second instance, these documents prove, that Sir William never sold to the said De la Tour the whole country of Nova Scotia, according as many writers* have ignorantly and erroneously asserted, to the falsification of history, and of injurious representation as to the interest vested in the heirs of Sir William Alexander, to the undisposed of part of that country, either by him, or his next successors.

* Sullivan,
Douglas, Hut-
chinson, &c.

It is shown that Claude de la Tour, and his son Charles St. Estienne had their grants upon the condition of being good and faithful vassals to the king of Scotland, his heirs and successors; but it eventually so occurred, that when the French, by the construction of the treaty of St. Germain, between them and king Charles, entered upon Nova Scotia as included therein, this Claude de la Tour took part with the French, and obtained from the French king a grant of Nova Scotia, with the government general of the country, whereby he forfeited all rights he had previously acquired from Sir Wm. Alexander, to be holden of the crown of Scotland. He however afterwards met with a rival, at the French

court, in the person of another Frenchman, named D'Aulney, by whom, though he was not entirely superseded in power, yet he was so far eclipsed as to have him appointed a co-partner in it. This being a derogation to the ambition of De la Tour, led to open war and hostilities between them; the result of which was, that in order to maintain himself against his rival, he was obliged to mortgage his barony of De la Tour, to enable him to raise a force to preserve his possessions. This appears from the records of Suffolk county, in the United States of North America,* cited in Hazard's state papers, (v. i., p. 341.) which set forth, that Sir C. St. Stephen, lord of De la Tour in France, and *knight baronet of Scotland*, by deed dated the 13th of May, 1649,^a in consideration of the sum of £2,084, advanced to him by serjeant-major Gibbons, of Boston, in New England, mortgaged to him the said serjeant-major Gibbons, the Fort la Tour, and plantation within the north part of America, near the mouth of St. John's river, where the said monsieur, with his family, hath lately made his residence, as the same was purchased by Sir Claude St. Estienne, of Sir William Alexander, by deed in the French language, dated the 30th of April, 1630,^b to be redeemed on or before the 20th of February, 1652.

It must be here observed, that the documents thus quoted from recorded authority, cannot but satisfactorily disprove the assertions made by some, and even the British government itself, that Sir William Alexander never had possession of the territory of Nova Scotia, under his charters; and never exercised the right and power to create baronets of Nova Scotia. It may suit the fastidious of the present day to make these assertions; and it may be convenient for ministerial policy to deny the said right and power,—because the important question interposes, how far the heirs of the baronets, who derived their creations under grants from Sir William Alexander, are not at this time intitled to the lands they so obtained, and in such respect have a claim upon the crown for their re-acquisition concerning which point, a few remarks will be hereafter made. As to Claude St. Estienne, he was a Huguenot and a protestant under the British monarch; and a catholic under the French king,†—at all times an active, enterprising, and treacherous man; one who made religion a stalking horse to serve the ends of his ambition.

* Lib. No. 2.
p. 265.

† Douglas's
Hist. of Ame-
rica, v. i. p. 305.

^a In this deed, the name is written as above mentioned St. Stephen, and not St. Estienne, which is evidently a cognominal error, or a typical lapse—and the christian name is *Charles*, and not *Claude*; which seems to infer that it was the son rather than father, who made the mortgage.

^b This deed has been given at length in the preceeding pages.

CHAP. II.

In the preceding chapter, it has been stated that the right of creating baronets of Nova Scotia, by Sir William Alexander, has been denied; as well as his ever having had actual possession of the country, by virtue of his charters. The fact of his creating baronets has been shown in the instance of the two St. Estiennes, the father and the son; together with his disposition to them of lands and territory, to constitute the necessary qualification ordained for the acquirement of the dignity; and the absolute possession of those lands, has also been shown by the deed of mortgage, cited; a truism which could not have taken place, had Sir William Alexander never made occupancy of the province granted to him by the royal charters, investing him therewith; at the same time the possession of the premises is established by the seisin given him in terms of the charters, at the castle of Edinburgh; of which the record is now extant in the register office of that city. This, therefore, is of itself a legal proof of possession, and all the legal proof which the law can require, as between the king in the character of grantor, and Sir William of grantee.

This might be a sufficient answer to the insidious assertions before mentioned; but as more prominent proofs are adducible, they will be here historically detailed.

In 1497, the country of North America was first discovered by John Cabot, and his son Sebastian: these eminent navigators had a commission from king Hen. the VII., of England, for the purpose of discovery, and consequently acted under the authority of the British flag: the law of nations recognizes the principle of right of the territory of a theretofore unknown country, to the power under whose flag the same may have been discovered. Thus the right to the country discovered by the Cabots appertained to the dominion of the British monarch; and though, at that time, no settlement was made thereon of an effectual nature, yet the entering thereon by the subjects of any other nation, would be an unlawful intrusion, and an usurpation.

Through a singular succession of causes, upwards of sixty years elapsed from the time of this discovery of the northern division of America by the English; during which their sovereigns gave little attention to the colonization of any part of it; but this neglect may in some measure be accounted for by the frugal maxims of Hen. the VII.; and the unpropitious circumstances which pervaded the reign of Hen. the VIII., Edward the VI., and the bigotted Queen Mary, reigns peculiarly adverse to the promotion of industry, trade, and navigation.

The accession, however, of Queen Elizabeth, rather raised the spirit of maritime adventure; and an attempt was made by Sir Walter Raleigh, to colonize Virginia; but

after his death, the grant given to him being void by his attainder, several gentlemen, by the incitement of Mr. Richard Hakluyt,^a petitioned king James the I., to grant them a patent for the settling of two plantations on the main coasts of America: the king accordingly by a patent dated the 10th of April, 1606, divided that portion of North America which stretches from the 34th to the 45th degree of latitude, into two districts, nearly equal. The Southern, called the first colony, he granted to the London company; the Northern, called the second colony, he granted to the Plymouth company. The Southern was desirous of beginning their plantation, and habitation in some fit and convenient place between the 34th and 41st degrees of north latitude along the coasts of Virginia; the Northern colony was desirous of planting between thirty-eight and forty-five degrees, and the charter gave liberty accordingly, provided that the plantation and habitation of such of the said colonies as shall last plant themselves, shall not be made within one hundred English miles of the other of them, that first began to make their plantations: thus was the first general plan, for a permanent and effectual settlement in this immense country, arranged and organised, with the consent and approbation of the king of Great Britain.

Three years before, at the time of the death of queen Elizabeth, in 1603, which was one hundred and ten years after the discovery by Columbus, neither the French, Dutch, nor English, nor any other nation, excepting the Spanish, had made any permanent settlement in this new world;* in North America not a single European family could be found; the French indeed, about 1604, had begun to make settlements in Canada and Acadia, and these with the Spanish soldiers maintained at two or three posts in Florida, appear to have been all the Europeans in North America.

* Holmes's
American
Annals, v. i.
p. 123.

In 1603 Henry the fourth of France granted to Pierre du Gast, Sieur de Monts,^b a patent of the American territory, from the 40th to the 46th degree of north latitude, with power to colonize and rule it, and to subdue, and christianize its native inhabitants.† In 1604 the Sieur de Mont made his embarkation, and arriving at Acadia, afterwards made his settlement at a place to which the name was given of Port Royal,—and this was the first settlement in Acadia, and was begun four years after the temporary residence of Pontgrave's company in Canada.

† Hazard's
Coll. 1, pp. 45,
48.

The year 1613 is memorable for the the first hostilities between the English and French Colonists in America. Madame de Guercheville, a French lady in France, who

^a Mr. Hakluyt was at that time a prebendary of Westminster. He published his first volume of *Voyages and Discoveries of the English Nation*, in 1589, and the third in 1600; a work highly interesting, and which will perpetuate the merit due to his learning, diligence, and fidelity; and will always furnish some of the best materials for American history.

^b He was a gentleman of the bed chamber to the king, and a Calvinist, but the king allowed him and his people the exercise of his religion in America. On his part he engaged to people the country, and to establish the Catholic religion among the natives.—*Charlevoix Nouv. France*, Vol. I. p. 3, 12.

* Charlevoix
Nouv France,
v. i. p. 128.

was a zealot in religion, and anxious for the conversion of the American natives, having procured from de Mont a surrender of his patent, and obtained from the reigning French King a charter for all the lands of New France from the St. Lawrence to Florida, with the exception of Port Royal, sent out one Saussaye, with two Jesuits as missionaries; these persons in 1611 arrived at le Heve in Acadie,* where Saussaye set up the arms of Madame de Guercheville in token of possession. Proceeding thence to Port Royal, he found there five persons only, two of whom were Jesuits, who had been previously sent over, but had fallen under the displeasure of M. Biencourt, at that time governor of Port Royal: producing the credentials by which he was authorised to take these fathers into the service of the new mission, as well as to take possession of the Acadian territory, the two Jesuits were permitted to go where they pleased: they then left Port Royal, and went with Saussaye to Mount Desert, an island at the entrance of the river called Pentagoet, where at the east end the Jesuits fixed their settlement; and setting up a cross, celebrated mass, and called the place St. Savior.

Scarcely had they begun to provide themselves with accomodation in this retreat before they were surprised by an enemy. Captain Samuel Argal of Virginia arriving at this juncture, off the island of Mount Desert, was cast ashore in a storm, at Pentagoet, where he learnt from the natives, that the French were at St. Savior's. Such was the account of their number and state, that he resolved to attack them without delay; the French made some resistance, but were soon compelled to surrender to superior force. In the action Gilbert du Thet, one of the Jesuits, was killed, some others were wounded, and the rest, excepting four or five were taken prisoners. The English seized the French vessel which lay there, and returned to Virginia.

This occurrence induced the Virginian governor, after advising with his council, to dispatch an armed force to the coast of Acadia, to raze all the forts and settlements to the forty-sixth degree of latitude. The armament was committed to Argal, who losing no time, sailed to St. Savior, where upon his arrival he broke in pieces the cross which the Jesuits had erected, and set up another, inscribed with the name of the king of Great Britain, for whom possession was taken. He next sailed to St. Croix, and destroyed all the remains of De Mont's settlement. He then proceeded to Port Royal, where he did not find a single person; and in two hours he reduced that entire settlement to ashes, which, according to Charlevoix, had cost the French more than one hundred thousand crowns. Having thus effectually executed his commission, he returned to Virginia.

It does not appear that this transaction was either approved by the court of England, or resented by the crown of France: it nevertheless prepared the way for a patent of the territory which was granted eight years afterwards by king James the I.

Sir Ferdinando Gorges intrusted with the principal direction of the Plymouth company, reflecting on the prodigious extent of the region to be planted, and on the slow

progress of colonization, conceived the design of persuading the Scotch nation to form a settlement within the limits of New England. Easily obtaining the consent of the company, and the approbation of Sir William Alexander, of Menstrie, in North Britain, a man of great influence with his sovereign, Sir Ferdinando succeeded in his plan; and the Scotch knight had granted to him by a royal charter, under the great seal of Scotland, the whole territory of Acadia, by the name of Nova Scotia, September the 10th, anno 1621.*

* Vide Charter
in Appendix
No. 1.

Sir William Alexander thus invested with palatinate jurisdiction, and made the proprietary of the soil, in the next year sent a ship with a colony of purpose to plant; but the season of setting out was so late, that they were obliged to stay through the winter, at Newfoundland. Another ship with provisions was sent the following year, 1623; yet by reason of some unexpected circumstances, they resolved not to plant at that time, but merely to discover and take possession. Sailing from Newfoundland, they coasted along the shore of Nova Scotia, and on Port Joli river found a fit place for a plantation. Returning to Newfoundland, in July, they left their ship there, and took passage for England, with intention of resuming the enterprise of planting a colony the next year. Purchas and Laet, two writers of credit, stop here in their accounts of Nova Scotia, excepting Laet makes mention of the change of the old names of places, by the Scotch patentee, viz: "*Quid post illa, in illis partibus gestum sit, mihi non constat; nisi quod nomina harum provinciarum à Wilhelmo Alexandro mutata inveni, in tabulâ Geographica nuper in Angliâ excusa, i. e., Cadia, nova Caledonia septent pars nova Alexandria nominatur.*"

Though Purchas and Laet are silent as to the further proceedings of Sir William Alexander, yet it is certain that he followed up what he had begun, with great perseverance; and for the better enabling him to have assistants to co-operate with his design, he obtained from king Charles the I., a confirmation of the charter of king James, by another dated the 12th of July, 1625,† with a de novo damus of all previous rights, privileges, and power, and adding thereto, the particular prerogative of conferring honours on those who should become associates in his undertaking, and of assigning to them lands to be erected into baronies in their favour; and in order to render the honour of a baronet of Nova Scotia, the more distinguished, and the more attractive to be sought for, the number to be created was limited to one hundred and fifty.

† Ibid no. 2.

At what time the next expedition was made does not appear; but as Purchas and Laet have stated that the enterprise was to be resumed the next year, it may be concluded that it did so take place, and a colony effectually planted, ensued thereupon. For in 1629, being five years after the year (1624) where Purchas and Laet stop, Sir William Alexander, eldest son and heir apparent of the patentee, is shown to have made great progress in the perfecting of a settlement, where, on the behalf of his father, he was then acting as his deputy. The proof of this is in the royal warrant of king Charles

* Vide Office
copy of warrant
appendix no. 3.

the I., conferring a particular badge of distinction to be worn by the baronets of Nova Scotia.* The words in this warrant are, viz., "And seeing our trustie and well beloved counsellour Sir William Alexander, knight, our principall secretaris of that our auncient kingdome of Scotland, and our lieutenant of New Scotland, who, these many years by past, hath been at greate charges for the discoverie thereof, *hath now in end settled a colonie there, where his sone Sir William Alexander is now resident*, and we being most willing to afford all possible means of encouragement that convenientlie wee can to the baronets of that our auncient kingdome, for the furtherance of so good a worke, and to the effect they may be honoured, and have place in all respects according to their patents from us, Wee have been pleased, &c., &c., &c." Here then is an evidence on the part of the crown, that Sir William Alexander had established his plantation of Nova Scotia. But a still stronger proof is to be found in the letter from king Charles to Sir William Alexander, then bearing the title of viscount of Stirling, dated, Greenwich, 10 July, 1631,† which testifies not only the settlement which had been made in the country, but the then continued occupancy of it, with a governor, fort for protection, &c., &c. This letter was written in consequence of the treaty of St. Germain, by which the king in an unguarded moment, had agreed to surrender Acadia to the French; it recites, viz: "It is our will and pleasure, and we command you hereby, that with all possible diligence, *you give order to Sir George Home, knight, or any other having charge from you there, to demolish the fort which was builded by your son there, and to remove all the people, goods, ordnance, munitions, castle, and other things belonging unto that colonie*, leaving the bounds altogether waste, and unpeopled, *as it was at the time when your son landed first to plant there by virtue of our commission.*"

† Vide Appen-
dix No. 7.

‡ Ex. Record
in Reg. Off.
Edin.

§ Appendix
No. 19.

The next proof of occupation of the territory of Nova Scotia granted to him, may be taken from the charter of king Charles the I., to Sir William Alexander, of the port or haven of Largs in Scotland,‡ which as therein expressed, was for the special purpose of facilitating the commercial intercourse between Scotland and the plantation of Nova Scotia. But the most important proof is to be derived from the demand of England at the Treaty of Utrecht,§ for the restoration of Nova Scotia by the French to Great Britain, to be surrendered back in its full plenitude of territory, as the same was described in the original charters of king James and Charles the I. to Sir William Alexander. Had Sir William Alexander never taken possession of the country, or made settlement therein, there could be no pretence on the part of England; for its sole right is based upon that settlement, which laid the foundation of that valuable province, as a colony of the British Empire, and that, *colonized as the charters recite at his own expense.*

¶ Ibid No. 11.
¶ Ibid pp. 52,
78.

With respect to the Treaty of St. Germain, it may be observed, that king Charles by that treaty, gave up Acadia to the French.|| This is noticed by Prince, in his Annals of New England, thus, viz.,¶ "Sir David Kirk having taken Quebec from the French,

the king of France detained 400,000 crowns, part of the queen of England's portion. This brought about the treaty with king Charles, who empowered his ambassador (Sir Isaac Wake) to conclude the dispute, 29 June, 1631. But it was not till the 29 of March, 1632, the treaty was signed; which put an end to all differences, when the remaining half part of the queen's portion was paid by the French king." Further, the same author writes,* "That when king Charles found that the French possessed themselves of the whole country, he declared publicly, that he had given away only *the forts, and not the soil*; besides the French king had undertaken to pay Kirk £5000. for the forts, but never did; nor was Sir William Alexander ever paid a sixpence." That the king never intended to resign Nova Scotia, will be clearly shown by reference to his letters to the states of Scotland, set forth in the annexed Appendix;† and the assignation by Sir William Alexander, (then earl of Stirling), to Mr. Alexander Kynneir, and Mr. James Gordon, (printed in the annexed Appendix),‡ will show that the earl of Stirling at that period, which was only a short time before his death, considered himself in legal possession as lord proprietary of the soil of the province, and in such capacity, intitled to make resignation of lands, and to dispose of the honour of knight baronet in terms of his charter; had such not been the case, a deed of the nature of a disposition for the payment of debts, would have been at once ridiculous, and inconsistent, and perfectly inappropriate to the purpose for which it was executed.

* Appendix
p. 115.

† Vide Nos.
12, 13, 14, 16.

‡ Ibid No. 20.

When the treaty of Utrecht was under negotiation, the objections of the French, and the replications of the English Commissioners respecting Nova Scotia are particularly deserving notice; the sixteenth preliminary article thereof, to which M. de Torcy agreed, on the 28th of May, 1709, is as follows: "The most christian king shall yield to the crown of Great Britain whatsoever France is possessed of in the Island of Newfoundland, and whatsoever countries, islands, fortresses, and colonies, which have been taken, and possessed on both sides since the beginning of the war, in what part soever of the Indies that they may be situated, shall be restored on the part of the queen of Great Britain and his most christian majesty."

At a more advanced period of the negotiation is the following article, viz: "The island of St. Christopher, Hudson's Bay, and straits of that name, and *Acadia with Port Royal and the Fort, shall be restored* § *entire to her majesty.*" In the speech from the throne, after announcing the tenor of the treaty, her majesty queen Anne thus expresses herself, viz:

§ Ibid No. 19.

"Our interest is so deeply concerned in the trade of North America, that I have used my utmost exertions to adjust that article in the most beneficial manner. France consents to restore us the whole bay and straits of Hudson's, to deliver up the island of Newfoundland, with Placentia, and to make *an absolute cession of Annapolis with the rest of Nova Scotia or Acadia.*"

* Printed
1756, pp. 206,
78.

As the limits of these cessions might be said to admit of doubts in some particulars as relating to Acadia or Nova Scotia, it must be allowed that conflicting claims were set up by the French to some parts of them; and these afterwards became a subject of much disputation, as reference to the memorials of the British and French commissioners with respect to their North American territories will demonstrate,* in which the objections urged by the French against the right claimed by the crown of Great Britain to the territory in question, are very satisfactorily answered by the reply of the British commissioners to their frivolous and futile subterfuges.

The first exception taken by the French commissioners, was to the patent granted to Sir William Alexander, on the ground, "That the lands contained within it being at the time of the grant in the possession of the French,^a the patent became void in itself, upon that condition in it, which, as they allege, makes it necessary that no lands to be possessed in consequence of that grant, should be occupied by inhabitants who cultivated them: which objection seems to be founded in a mistake of the words of the patent, in which king James, after having expressed his sense of the public utility, arising from the establishment of colonies, adds these words: '*Presertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad christianam converti fidem ad Dei gloriam interest plurimum insessa fuerunt.*' These are the words upon which the French commissioners found their objections, though nothing can be more clear in construction, than that they are only expressive of a circumstance, which where it happens, makes settlements in foreign countries additionally beneficial to mankind, and imply no condition at all."

They afterwards allege, "That if no such condition had been contained in the grant, it would nevertheless have been void; the French having settled within it upon lands granted to the Sieur de Mont, in 1603, by the letters patent of Henry the IV. of France; that no English settlements were ever made in consequence of the grant to Sir William Alexander; that the Nova Scotia granted by king James is merely ideal, and had no existence till the treaty of Utrecht."

These objections were answered by the English commissioners, thus: "As to the grant being void, as comprising lands then settled by the Sieur de Mont, if it was a point worth contending for, it could be easily proved; that what they call the settlements of the Sieur de Mont, was nothing more than a cursory usurpation in opposition to the rights of the crown of Great Britain; as it is evident from Champlain, (part 2, p. 266), in which he says: "*Les Anglois qui n'y avoient été que sur nos brisées s'étant emparés depuis dix a douze ans des lieux les plus signales, m'eme enlevoient deux habitations, savoir celle*

^a They had been six years before totally expelled by Argal, and their forts entirely destroyed, as mentioned in some preceding pages.

du Port Royal, ou étoit Poitvincourt, ou ils sont habitues de present. That the English did make settlements in consequence of this grant, for the memorial from which this passage is taken, was presented at London, in 1631, in which it is said, that the English had made settlements in Port Royal, *ten years* before that memorial; which will place them *in the year 1621, the very year in which king James made his grant.* It is also remarkable that there remains at this very day, the ruins of a fort built at that time, at the entrance into the basin, *which preserves the name of the Scotch Fort.*^a

Again the British commissioners reply: "It is a little difficult to know in what sense the French commissioners would be understood, when they say, that Nova Scotia had no existence antecedent to the treaty of Utrecht. If they mean only, that France did not call that country by the name of Nova Scotia, it is true; but Nova Scotia descriptive of that country had its existence before that treaty, not only in the letters patent of king James the first, but in all the English maps from 1625 to 1700, and in Laet's history (p. 18), and in the beginning of the negociation preceding the treaty of Utrecht: nor indeed is it possible to suppose France not to have had an idea of the country called Nova Scotia, after it had been so frequently mentioned in the best maps and histories of America, as those of Purchas's Pilgrim, Laet, and Champlain."

From these facts and arguments of the British Commissioners in refutation of the French objections, it is evident that Nova Scotia was reclaimed, and the right thereto sustained, on the foundation of the colony and the occupation of the country by Sir William Alexander, in virtue of his grants thereof from king James and king Charles the first. It was demanded and acquired back in full plenitude of territory and boundary, as contained in the respective charters, and in 1763, by the peace of Aix la Chapelle, was finally quit claimed for ever by the French to the crown of England; whereby it is considered that when the sovereignty returned to the crown, the right of the heirs of the patentee became revived; and the rights of the heirs of his grantees, baronets of Nova Scotia, became reinvested in them. The usurpation of the French was only a suspension of rights, and their relinquishment a restoration thereof.

And here it cannot but be remarked, that while the British commissioners, with so much ingenuity and pertinacity, urged and supported the validity of Sir William Alexander's charters, it is not a little unworthy the English Government to take up the objections of the French, so perfectly negatived, and adopt them against those persons who have claims derived from Sir William Alexander under these very same charters.

^a These ruins were most likely those of the fort built by Sir William Alexander, junior, and directed as before mentioned, to be razed in virtue of the treaty of St. Germain, by king Charles the first.

CHAP. III.

Having in the two preceding chapters shown the origin of the first settlement in Nova Scotia under the charters granted to Sir William Alexander, and also that he had actual occupancy of the territory mentioned therein, and exercised the government thereof, by his son Sir William Alexander, his deputy; as likewise by Sir George Home, the governor of the fort of Port Royal, which had been erected after he had taken possession of the country, by his said son Sir William Alexander: and, moreover, that he executed the power vested in him by his charters of creating knights baronets, and of assigning to them the portions of land ordained to form the qualifications for their baronies, it follows that the interest thus made over to, and acquired by the baronets, should have notice.

The order, as already observed, was instituted for the special purpose of giving to Sir William Alexander a certain number of associates to assist him in the colonization of the new province; and who, by having participation in the soil, would have an incentive to promote the object designed; while, for their greater encouragement, they had conferred upon them, a badge of honourable distinction, which to mark their rank above all others of the same degree, was particularly, and exclusively granted to them.*

* Vide Appen-
dix No. 3.

Now, as the protecting clauses of Sir William Alexander's charters were of a very special nature, so the effect of those clauses extended to the knights baronets created by him, in the enjoyment and tenure of their baronies derived from the rights, privileges, and immunities communicated by his charters. Thus, "Because the timely entry of any heirs, &c., on account of the long distance from Scotland, we have dispensed with the said non entry whenever it shall happen; and again by our present charter, we will declare, decree, and ordain, that one seisin, to be taken at our castle of Edinburgh, &c., shall be sufficient seisin, notwithstanding the said lands, &c., are far distant, and lie discontinuous from our said kingdom of Scotland; as to which, we with advice and consent aforesaid have dispensed, and by our present charter for ever dispense."

Further, the charter recites, viz., "Renouncing and exonerating the same simpliter with all action and instance heretofore competent, to and in favour of the said Sir William Alexander, and his heirs and *assignees*, as well for non payment of the duties contained in their original infeftments, as for non performance of due homage, conform thereto, or for non fulfilment of any point of the said original infeftment, or for commission of any fault or deed of omission, or commission, prejudicial thereto; and whereby the said original infeftment may in any way be lawfully impugned, or called in question,

for ever acquitting and remitting the same simpliciter, with all title, action, instance, and interest heretofore competent, or that may be competent to us, and our heirs and successors, renouncing the same simpliciter, jure lite et causa cum pacto de non petendo, and with supplement of all defects, as well not named as named, which we will to be held as expressed in this our present charter."

Here then it must appear, that as the territory granted to Sir William Alexander was so guardedly and firmly assured to him, and his heirs, in like manner the assignations made by him to the knights baronets, were as strongly confirmed to them and their heirs, or otherwise there would have been no inducement for their joining in his adventurous undertaking. Every man who sells a fee simple estate conveys to the purchaser a perpetuity; that is, he gives to him and his heirs for ever the property sold; though the purchaser may the next day alienate to another in like manner, to him and his heirs for ever; but, still, whatever are the franchises of the property, and of whatever nature the original tenure may be, they come to the purchaser from the title under which the first vendor was infeft, and held the same, either with privileges, or restriction of privileges. And here, again, occurs another point in favor of the baronets enfeoffed under Sir William Alexander's grant, which is the letter from king Charles to the lord advocate of Scotland,* wherein his majesty writes after other matter, viz: "*We do hereby require you to draw up a sufficient warrant for our hand, to pass under our great seal, to our right trustie, the viscount of Stirling, to go on in the said work, whensoever he shall think fitting, whereby, for the encouragement of such as shall interest themselves with him; and he may have full assurance from us, in verbo principis, that as we have never meant to relinquish our title to any part of that country which he hath by patents from us; so we shall ever after be readie, by our gracious favour to protect him, and all such as have, or shall hereafter, at any time concur with him, for the advancement of these bounds aforesaid. And if at any time, by order from us, they shall be forced to remove from the said bounds, or any part thereof, where they shall happen to be planted, we shall fully satisfie them for all loss they shall sustain by any such letters or orders from us; and for your so doing, &c., &c.*"

* Vide Appendix No. 12.

From the time of the treaty of St. Germain, including also the treaty of Breda by king Charles the second, till the period of the treaty of Utrecht, the country of Nova Scotia was under the usurpation of the French; and even after the last named treaty, until the final quit claim of France and retro-cession made at the peace of Aix-la-Chapelle, the province was a constant subject of controversy between the crowns of Great Britain, and France: thus while the sovereignty of England was suspended, the occupancy of their lands by the baronets was interrupted; but when the one was resumed, the right of the other under it returned to the heirs of succession. This long interregnum, attended with the distressing events of the civil war, and the continual conflictions with the French, occasioned many of the baronets who had their enfeoffments from Sir William

Alexander, prior to the year 1641, to disregard as well their titles as their lands, and for their heirs neither to assume the one, nor seek after the other;* hence to the present day their titles have remained dormant, and their baronies unclaimed. But as no length of time of non-claim is a bar to the resumption of a title of honor, so it is considered that the same rule of law applies to the land, which was incorporated in it; for the land was the principal and the foundation. The title was the mere accessory which conferred rank and dignity upon its possessor, and completed the creation.

The particular care and regard which the king professed to have for the promotion of the colony, and the honourable and distinguished persons who came forward to accept the title of baronet, is apparent from the various letters which passed between his majesty and the estates of the realm upon the subject, which are extant among the privy council records.*

* Vide Appendix.

As to the number of those who were actually created baronets of Nova Scotia, according to the stipulated terms, and conditions of the institution, it may be rather difficult to determine, inasmuch as the names of the respective parties on whom the title was conferred, do not all appear from the public registers. With reference to those whose creations appear to be so registered, a list is herewith given, with an asterisk prefixed to those who are found to have had seisin of their baronies, from which it will be seen that such creations did not extend beyond November, 1640.† On this point it arises to be considered, how far any persons created baronets after that period are to be deemed Nova Scotia baronets, and as such entitled to local, or territorial possessions, or to the privileges which were specially granted to be enjoyed by the Nova Scotia baronets only.

† Ibid.

The persons appearing from the registers to have been created baronets *in Scotia*, from the 5th of March, 1661, (after the restoration of Cha. II.), downwards, had merely patents without any assignation of lands to accompany their titles; and consequently had not any interest in the colony; and besides, there was not any previous institution of an order of baronets in Scotland, while there was an order of baronets of Nova Scotia expressly founded to apply to that country, as distinguished from the kingdom of Scotland by the denomination of *Nova Scotia, or New Scotland*. It is therefore submitted, that the persons on whom the king was pleased to confer the title of a *Baronet of Scotland* were not by that description created baronets of Nova Scotia, and thereby authorised to wear the badge of honour so exclusively granted to the baronets alone of that country. They were baronets solely by name of title, but were not invested with the privileges which were attached to the Nova Scotia institution.

In relation to this subject, it may be right to mention, that a general meeting was called at Edinburgh, and did there meet, the 14th of June, 1775, with a view to come to

* One of those persons was the ancestor of the Editor.

some resolutions affecting the rank, rights, and honour of the baronets, denominating themselves as one body, by the style of baronets of Scotland: but as whatsoever was then discussed is not within the present object to notice, it may be as well to leave the account of the proceedings of the meeting to be hereafter mentioned. Further meetings of the Nova Scotia baronets, and their representatives in right of their lands were called at Edinburgh, the 1st of July, and 1st of October, 1783; the specific purpose of which has not been discovered.

In now bringing before the public the first creation of these baronets, it becomes material to entertain the question, how far their heirs have, or have not lost, their rights of inheritance, or whether they still remain capable of being reclaimed.

The first objection seems to be, that king Charles the I., by the treaty of St. Germain, ceded to the French the territory of Nova Scotia, and with that cession the baronets lost their baronies. But this objection ceases, when it shall be seen, that so far from having ceded Nova Scotia to the French, his majesty on the contrary, in open parliament at Edinburgh, ratified and confirmed (as before mentioned) all the charters and grants, &c. made to Sir William Alexander, which ratification bears date upwards of twelve months after the pretended cession. The fact truly was, that king Charles having agreed by the said treaty to retrocede Quebec, and other territory in Acadia, (the then general name of all that part of America), the French under pretence that Nova Scotia formed part of Acadia, entered upon and usurped the same; and king Charles at that time was too weak in power and means to maintain the rights of his crown, or of his people, against his powerful foreign enemy. A further proof that the colony was never intentionally surrendered by the king; or sold to the French by Sir William Alexander (as said by some authors) may be found in the subsequent creations made of baronets, and the seisins taken by the grantees of the lands contained in their charters, as the dates of their seisins are recorded in the public register office; while there is also upon record the deed of assignment, (herein before observed), dated 29 January, 1640, made by Sir William Alexander (then earl of Stirling), to Messrs. Kinnear and Gordon, of such interest and composition as he might be intitled to, from his right to confer the dignity of knights baronets of Nova Scotia, containing an obligation to procure the same to all such persons as they should nominate and appoint, like as he might have done himself, which deed being for the payment of debts, would have been a fraudulent delusion, if no real sums of money were competent to be derived therefrom.

A second objection is suggested, that the lands became forfeited by the failure of the grantees to fulfil the condition which is supposed to have been impliedly annexed to their grants of defending and maintaining the same, under the royal authority: but this objection is at once nugatory, for if the king had truly ceded Nova Scotia, his subjects had no right to dispute his will, and take up arms—his act of prerogative. But if, as

was the case, the king did not cede the territory, he ought to have given the assistance of the power of his crown, to have supported the settlement, and have called upon his subjects, the settlers, to have brought forward their force, as a part of their feudal duty. The king was as much bounden to protect his subjects, who had purchased that protection, as the subject was to defend his own, and the king's dominion. The objection is solely by implication, and not from any expressions of an imperative and obligatory nature in any grant.

A third objection is interposed, that the claims have become antiquated by the neglect, or the omission of the grantees to act upon their grants, from the period thereof to so long a subsequent time: to settle this point, it should be considered what law, if any, of prescription, or limitation interferes; whether colonial law, Scotch law, or English law, or some law, rule, or principle different from all these? By a decision in the United States of North America, not many years since,^a it has been determined, and affirmed upon appeal to the supreme court at Washington, that a grant, originally well and sufficiently made, remains indefeasible, *whether acted upon, or not*; and that no laches, however long continued, on the part of the grantee, or of his heirs, affect the same.

On the present question, it is to be borne in mind, that from the treaty of St. Germain which took place in 1632, to the time of the treaty of Utrecht, the French were, during the chief intervening years, usurpers on the territory, and its inhabitants in a state of constant aggression. At the last mentioned treaty the British commissioners required that Nova Scotia should be given up to Great Britain, according to its ancient boundaries, with its whole rights; the French occupation having been founded upon usurpation, not by acquisition, force of arms, or cession by treaty. The French commissioners in reply, assumed that Nova Scotia was a country unknown to them, and never before mentioned, and that the district claimed by them was Acadia entirely; to this the British commissioners made replication, that if Nova Scotia, as a country, was unknown to the French, it consequently had never been ceded to them, and as to the boundaries, they rested upon the description of them, as contained in the charters to Sir William Alexander.

It is also urged in argument against the right of recovery by the heirs of the said baronets, that the country had been conquered by the French, and re-conquered by England, so that no claim could now exist to be preferred on their parts. The fallacy of this argument is shown by what has been already stated; with regard to the grounds on which Nova Scotia was demanded by the British commissioners, to be surrendered back to the crown of England at the treaty of Utrecht: usurpation but not conquest founded the pretension on the part of France. The British and provincial troops of New England had re-acquired possession of the country by the force of their arms; the demand that

^a Case of the London Society for the propagation of the Gospel in foreign parts, *versus* the town of Newhaven, Vermont, February 1823.

the country should be altogether retroceded to Great Britain, made at the treaty of Utrecht, proceeded therefore on the fact, that the French had made entry upon the same by usurpation, but never by conquest or by cession.

Even supposing for a moment, that the French had in reality conquered the country, yet this would not necessarily destroy private title; for it does not follow, that in a conquered country, all property immediately changes hands. Are all the inhabitants turned out of their possessions, and new ones among the conquerors substituted for them? In an extended and thinly peopled territory, it might have been out of the power of Sir William Alexander, or of his associates, the knights baronets, to use or enjoy their property during the French usurpation; the value thereof, then, was comparatively trifling, and the distance too great. This then would be non-user, while an enemy was in possession of the country; when however it was re-conquered, and returned to the original government, it cannot with any shadow of justice be assumed that the private property of the crown grantees thereupon, became vested in the sovereign, as the property of the nation. This indeed would be worse than the enemy.

Private rights in civilized countries are not otherwise affected by conquest or reconquest, than by the imposts to which they may be intermediately subjected to on either hand. And here it may be proper to remark, that the proofs on the part of England, in dealing with, and reclaiming the territory alluded to at the treaty of Utrecht, are the very identical charters under which that territory was erected into a province in the person of Sir William Alexander; and which province with all its boundaries, prerogatives, franchises, privileges, and immunities was warranted by the king to be vested in him, his heirs, and assignees for ever. While the king also, by his royal letter to the Lord Advocate of Scotland,* (before noticed) promised *in verbo principis*, that the knights baronets, associates with Sir William Alexander in his undertaking of planting the colony, should be satisfied for every loss they might sustain. Thus, whether the French conquered or only unjustly retained the usurpation of the country, it matters not, inasmuch as whenever its possession returned to the crown, the sovereign *ex debito justitiæ* became bounden to restore to the heirs of the baronet adventurers, the lands of their baronies, which are specified in the records of their seisins, or if now adversely occupied, to make compensation by other grants of vacant territory to the same extent. Besides it is always to be considered, that the colony was first settled at the private expense of Sir William Alexander and his associates, but not at the public cost, which renders the claim of the heirs of Sir William and of the baronets, a debt due in honour, and in gratitude from the sovereign, and the nation now repossessed of the said province of Nova Scotia; for if Great Britain never lost, or forfeited anything by the treaty of St. Germain in 1632, or of Breda in 1667, so neither Sir William Alexander, nor the baronets lost or forfeited their rights, of proprietorship.

* Vide Appendix No. 12.

Having noticed something as to an objection grounded on the law of prescription, it may be incumbent to observe, that prescription has never been held to be so essential a principle of natural justice, that it might not be set aside by law: two very important maxims of English law are opposed to it, viz., those of “*nullum tempus occurrit Regi*,” and “*nullum tempus occurrit Ecclesiæ* ;” that is to say, no adverse possession, of however long standing, can be a bar to a prior right of the king, or of the church. Indeed the doctrine of prescriptive right formed no part of the old common law of England, but was first introduced by a statute of the 32 Hen. VIII., (Blackstone’s Commentaries, v. 2, p. 264) ; so that, far from being a fundamental principle of natural equity, it has been altogether excluded by some laws, and certainly required the aid of positive enactment to give it any binding force, or validity whatsoever. In the present instance of claim upon the crown, it would be rather bearing too much on an excessive stretch of prerogative to take away property from some by virtue of a *nullum tempus* exception, and yet refuse to restore it to others by not allowing the same exception in their favour, while their claims are derived from the crown itself, and for a valuable consideration given for their original grants.

As another of the grounds of objection alleged, is the length of time of non-user, and a conclusion therefrom of a voluntary abandonment of their claims, it is requisite to remark that in the charters of king Charles to Sir William Alexander, there is a special clause which declares that the grant shall be valid, sufficient, and effective in all time coming, in all points, in law, in all the king’s courts, and in all other places, notwithstanding any law, custom, prescription, practice, decree, or constitution before made, decreed, or published, or afterwards at whatever time to be made, decreed, and published, ordained, or provided. As forfeiture for any cause, was thus specially guarded against, so the same provision extended to the knights baronets, the assignees of sir William Alexander, in their lands granted to them by him.

These reservations seem to have been so strongly used with an allusion to the Scottish prescription then recently introduced by the act, 1617, (c. 12) ; the law of Scotland therefore was directly excluded, and the law of England could not apply. The inference therefore of a non-user, even voluntarily continued, cannot avail, for the charters must all be interpreted according to their letter, and the principle of the true consideration which induced their grant.

On this point, with a very striking analogy of non-user, and voluntary abandonment, there has been very lately decided before the lords’ committees for privileges, (the lord chancellor Brougham maintaining the doctrine), a case of claim to the very ancient earldom of Devon. This earldom was conferred on Henry Courtenay, who was created (or rather restored) earl of Devon, by Queen Mary, by letters patent, in which the words of limitation are “*Sibi et hæredibus suis masculis*,” without the further words *de corpore*, or

quibuscunque. He died shortly after, unmarried, and consequently without legitimate issue. The crown considering the title vacant, conferred it, in the reign of James the I., upon the lord Montjoy, who enjoyed it about three years, when he deceased without lawful issue; and it again fell to the crown; whereupon the king once more revived the title, and created the then lord Cavendish, earl of Devonshire, in whose family it still remains, but merged in the higher dignity of duke of Devonshire.

From the period of the death of Henry Courtenay, earl of Devon, till lately claimed, the heir male of his family never claimed the dignity, but allowed it without objection, or pretension to be granted to strangers in blood. The several heirs male in succession continued commoners, till at last raised to the peerage dignity, in 1767, by the inferior title of viscount Courtenay. But, on a sudden, the second viscount (a person of overmuch notoriety) thought fit to come forward and claim the earldom, asserting that the limitation, "*heredibus masculis*," without additament, meant *heirs male collateral*, and was not confined to *heirs male of the body*, and citing some *Scotch precedents*: for such construction the lords decided in his favour: and though length of time is certainly no impediment to the inheritance of a title of honour, yet in this instance, it is manifest there was a voluntary abandonment, with a voluntary approval of other families to take the high dignity then applied for. But the rule laid down by their lordships was in conformance to the exact words of the letters patent. It now remains for the baronets of Nova Scotia, heirs of their ancestors, to consider of what steps (if any) they may choose to take to assert the rights and interests vested in their honours and territorial appendages.

CHAP. IV.

The order of baronets of Nova Scotia, as before mentioned, was projected by king James the I., but not carried into effect by him; probably from the reason that Sir William Alexander, to whom he had granted the country, not having made any effectual settlement therein. King Charles the I. executed his father's design, and by a new grant to Sir William, with more extensive powers and privileges, instituted the order in 1625, soon after his accession to the throne. It was the first settlement made by the Scots beyond the Atlantic.

As the cultivation and population of the country was important to the object of the colonization, it was deemed material to encourage persons of honour and estate to embark in the undertaking. To flatter their ambition, and allure their cupidity, this could be done by conferring upon them a distinguished title, and assigning to them a large tract of territory as a qualification for it. Thus their possession became combined together, the title with the estate, and the estate with the title; and not any baronets before the restoration of king Charles the II. were created without having the restricted qualification.

King Charles the II., after the restoration, granted patents of *baronets of Scotland*, an order, the express institution of which, has not been discovered and which is distinguished from the order of baronets instituted in 1625, in this respect that the patentees did not receive grants of portions of the territory of Nova Scotia, with the extensive and exclusive privileges thereto attached.

The distinction between the two creations is so far essential to be noticed, as the representatives of the Nova Scotia order have a vested interest in the land which was attached to their baronies, while those of the baronets of Scotland have not any claim to an acre of the soil. And it may be further considered, whether if these latter created baronets of Scotland had not mention made in their patents, of allowance to wear the ribbon and badge granted by king Charles the I., as a special privilege to the qualified baronets of Nova Scotia, they are entitled to assume that honorable decoration equally with them.

It has been contended that the Nova Scotia baronets, and the baronets of Scotland are one and the same order; yet, it is evident their creations are of a very different nature. However the distinction seems not to have been always attended to, inasmuch as the right of wearing the ribbon and badge, has gone into disuse.* Meetings of

* The cause of this disuse may be attributed to the French having possessed themselves of Nova Scotia, whereby the lands of the baronets were forcibly usurped from them; and the civil war ensuing, many of them were ruined by their adherence to the royal cause, and their successors, or rather representatives set little value upon their titles, disused them, and consequently disused the badge.

baronets to revive its use, were holden in the year 1721 and 1734, which on some account (not hitherto ascertained) proved ineffectual. These meetings, it is supposed, were attended by others than the baronets of the order of 1625 only; because the baronets of that order were indiscriminately mixed up with the heirs of those persons, who had received patents of baronet of Scotland, subsequently to the restoration of Charles the second, and these were brought together in another meeting holden at Edinburgh the 14th of June, 1774, which meeting was called by the *Lyon Depute*, by circular letters, dated March 30th preceding, to take into consideration the revival of the exercise of the privilege of wearing the distinction before named. The *Lyon Depute* assigned his acting on the occasion to the nature of his office, by which he was appointed to attend to the observance of regularity, and propriety in all matters of honour.

The following is an account of the proceedings at the said meeting :—

Edinburgh, June 14, 1774.

At a General Meeting of the *Baronets of Scotland*, with the previous approbation of many of them, who could not attend in consequence of advertisements from the *Lyon* office.

THERE WERE PRESENT.

Sir Robert Gordon of Gordonstoun,	Sir William Stirling of Ardoch,
Sir Alexander Douglas of Glenbervie,	Sir Alexander Dick of Prestonfield,
Sir Alexander Macdonald of Slate,	Sir James Clark of Pennycuick,
Sir William Forbes of Monymusk,	Sir Robert Dalrymple of Binns,
Sir William Maxwell of Calderwood,	Sir John Inglis of Crammond,
Sir Stair Agnew of Lochnaw,	Sir James Dunbar of Mochrum,
Sir Henry Munro of Foulis,	Sir John Dalrymple of Cranstoun,
Sir John Sinclair of Stevenson,	Sir Archibald Grant of Cullen,
Sir Henry Seton of Culbeg,	Sir John Gordon of Earlstoun,
Sir Alexander Stirling of Glorat,	Sir John Whiteford of Blairquhan.

PROXIES FOR

Sir John Dick of Braid,	The Right Hon. the Earl of Lauderdale,
Sir John Cunningham of Caprington,	Sir Ludowick Grant of Dalvey,
Sir John Wedderburn of Ballindean,	Sir John Ogilvy of Innerquharity.

Letters were produced, and read from the following persons who agree to the measure of wearing the badge.

Sir James Colquhoun of Luss,	Sir Richard Murray of Blackbarony,
Sir Alexander Gordon of Lismore,	Sir James Foulis of Colinton,
Sir Alexander Ramsay of Balmain,	The Right Hon. the Earl of Home,
Sir Thomas Burnett of Leys,	The Right Hon. the Earl of Galloway,

The Right Hon. the Earl of Stair,
 Sir John Sinclair of Longformacus,
 Sir Alexander Purves of Purves,
 The Right Hon. Lord Napier,
 The Right Hon. the Earl of Cassilis,
 Sir William Maxwell of Springkell,
 Sir Robert Laurie of Maxwellton,
 Sir Robert Grierson of Lag,

Sir Michael Malcolm of Lochore,
 Sir James Home of Coldingham,
 Sir James Johnstone of Westerhall,
 Sir William Augustus Cunyngham of
 Livingstoun.
 Sir George Hay Macdougall of Atherston.
 Sir Roderick Mackenzie of Seatwell,
 Sir Robert Pollock of Pollock.

The meeting unanimously elected Sir Robert Gordon of Gordonstoun, the first baronet of the Nova Scotia Order, their president; and James Cummyng, keeper of the Lyon records, their clerk.

There was laid before the meeting, and considered by, an authentic extract of the royal warrant of king Charles the I., of date 7 November, 1629, *authorising the baronets of Scotland*^a to wear a medal or badge, therein described; and several original medals of the order were produced by several baronets, whose ancestors had worn them, together with several patents of different dates. They then unanimously resolved from respect to the crown, by which this badge was bestowed, and in duty to their families, *to re-assume* this privilege of their order: and they hereby appoint.

Sir Alexander Macdonald of Slate,
 Sir William Forbes of Monymusk,
 Sir Henry Moncreiff Wellwood of Tullibole,
 The Right Hon. the Earl of Hyndford,
 Sir George Preston of Valleyfield,
 Sir Robert Henderson of Fordel.
 Sir Alexander Stirling of Glorat,
 Sir William Erskine of Cambo,
 Sir John Cuninghame of Caprington,

Sir Alexander Dick of Prestonfield,
 Sir John Dalrymple of Cranstoun,
 Sir George Hay Macdougall of Atherston.
 Sir James Wemyss of Bogie,
 The Right Hon. the Earl of Lauderdale,
 Sir Archibald Grant of Cullen,
 Sir John Gordon of Earlstoun,
 Sir John Whiteford of Blairquhan.

together with such gentlemen present at this meeting, not immediately above mentioned, to be a committee, any five of their number to be a quorum, to meet and transmit the resolutions of this meeting to those gentlemen of the order who could not attend; to communicate them with a copy of the circular letter from the Lyon office, together with authenticated extracts of the royal warrant before noticed, from the records of the lord

^a This warrant *conferred* the wearing of the badge upon the baronets of Nova Scotia solely, who qualified themselves by taking of lands to obtain the honour.

Lyon's office, and of the privy council of Scotland, to his majesty's secretary of state, in whose department this part of the united kingdom lies, entreating his lordship to lay their resolutions before their most gracious sovereign; and to do every other thing necessary to carry the resolutions of this meeting into execution.

And they recommend to the committee to get the medals made under the inspection of the Lyon court, conform to the model of those presented, each medal bearing the date of the creation of the baronet to whom it belongs, and to write a letter of thanks to the Lord Lyon for his attention to the honours of his country.—Signed, Robert Gordon, Preses; James Cumming, Clerk,

These papers mentioned in the above minutes, were on the 28th of June, 1775, presented to the earl of Suffolk, at the levee at St. James's, by Sir James Cockburn and such baronets as he could find in London; and his lordship told him, he should lay them before the king, and if there was any answer, though he apprehended there could be none, it should be immediately communicated. And further, it may be observed, that, on the 30th of November thereafter, being St. Andrew's day, several Scots baronets made their appearance at court, in the ensigns of the order of Nova Scotia, the use of which was thus revived.^b

It would seem that the baronets were apprehensive that certain measures which the government in 1783 had in contemplation, would interfere with their rights to lands in Nova Scotia, as the following advertisements bear, which appeared in the public newspapers of that year.

MEETING OF NOVA SCOTIA BARONETS,

AND REPRESENTATION IN RIGHT OF THEIR LANDS IN NOVA SCOTIA.

"As measures are taking in London which may materially affect their interests in the estates granted to their ancestors in Nova Scotia, a meeting of the baronets, and of those who in right of their grants of lands is desired, at Fortune's tavern, at Edinburgh, on Tuesday, 1st July next, at Two o'clock."—*Edinburgh Courant*, 1783.

^a There appears not any reason why the baronets *should entreat as a matter of favour*, a privilege which they were entitled to *as a matter of right*; but this *humble request* seems to be founded upon the question, whether the badge appertained to the baronets of Scotland as well as to those of Nova Scotia, a privilege which they were desirous to have extended, and allowed in common to both orders, and by this proceeding sought to have determined by the crown.

^b It is not a little singular, that after having presented the papers mentioned, the baronets without having had any answer from the king, should nevertheless have taken upon themselves the wearing of the decoration: if it was their right, they need not have applied for its allowance—if not their right, they were not warranted to assume it.

NOVA SCOTIA.

"The Baronets of Nova Scotia, or those who have right, as representatives to lands in that province, are requested to meet at Fortune's tavern, 1st October at 12 o'clock, when a memorial to the Lords of the Treasury, will be submitted to their consideration." —*Edinburgh Advertiser*, 1783.

These advertisements were inserted by Sir William Forbes; but nothing has been found to explain the specific measures to which those advertisements had reference; or to show, what further took place in the business.

From this period till 1831 the Nova Scotia baronets have seemed to have been totally indifferent to their territorial rights; but by an advertisement, bearing date the 10th of June in that year, their attention was called to a meeting to be holden at Mackenzie's hotel, in Edinburgh. This meeting, which took place on the 24th of the same month, was very thinly attended, though letters had been received previously from some who were unable to attend.

There was laid before the meeting, a general statement with reference to the creations, privileges, and rights of the baronets; which being considered by the parties assembled, with the documents referred to in it, they were of opinion, that it was desirable that the subject should be more generally understood by those having interest, but resolved that the statement should remain unpublished till a further meeting was agreed upon. No other meeting however has subsequently been holden, or any further measures adopted by the baronets for the establishment of those territorial rights to which they are evidently, legally entitled. And here it cannot but be remarked, that it redounds little to the honour of those baronets, who, while they are proud of their titles—a mere shadow of greatness, they should think the substance, in the acquirement of their lands, not worth looking after; though, God knows, too many of them rather need estate, than title, to render them respectable.

It does not appear necessary to recite *ad longum* the various clauses inserted in the grants to the Nova Scotia Baronets; it may be sufficient to observe that they conveyed to each grantee, and his heirs male and assignees,^a 16000 acres of the territory of Nova Scotia, particularly defining, and describing the boundaries of the same, and conferred the degree and title to him, and his heirs male whomsoever; and they contained an express exemption from the payment of any fine, or composition, or of the ordinary fees of the seals: right was also granted to the eldest sons, and apparent heirs male of the baronets

^a The word *assignees*, according to the Scottish law, implies that upon the failure of heirs male, the heir male of the heir female, stands in the same situation as if he had been an heir male.—(Sibbald case, opinion of lord Jeffery.)

when arrived at the age of twenty-one years, to claim the honour of knighthood without the payment of fees.

The following examples of the grants of several baronies, may show the manner in which they were set out and described.

In an old map published by Blew, of Amsterdam, anno 1662, of the coast of Labrador, or New England, are noticed a cluster of Islands named "*Sybolds Noeck*" i. e., *Sibbalds Bay*. This seems to allude to the barony of the Sibbald Family, of which, Sir James Sibbald was created a baronet of Nova Scotia, 24th of July, 1630, with limitation to him, and his heirs male, and *assignees* whatsoever.^a The territory granted to him is thus described, viz:

"All and whole that part and portion of the country, and Lordship of Nova Scotia in America, beginning at the north part of the lands, barony, and regality of Arnot, lying in Anticosti, belonging heritably to Sir Michael Arnot, of that ilk, knight baronet, and from thence extending south the space of three miles northward by the sea-shore, and from thence proceeding eastward for the space of six miles, keeping altogether the space of three miles in breadth always, and until it extends to the number of sixteen thousand acres of land, with castles, towers, fortalices, &c., with all rights, privileges, &c. united and annexed into one free and entire barony and regality, to be called in all time to come *the barony and regality of Rankeillor Sibbald*."—(*Sasine recorded 3 Feb., 1631*).

THE BARONY OF SIR WALTER NORTON, BARONET,

In the Island of Cape Breton.

Viz: "Beginning from the west side of the lands and barony of Barnbow, belonging heritably, to Sir John Gascoigne, of Barnbow, in the county of York, knight and baronet, and lying on the north side of the river called the Great Schibone, in Cape Breton, passing towards the west from the said barony, ascending the river for the space of three miles, keeping always the river for the boundary thereof, on the south, and from thence passing northward for the space of six miles, keeping always three miles in breadth, and six in length, and the said barony for the boundary thereof, towards the east."—(*Sasine recorded, September, 1635*).

THE BARONY OF SIR ARCHIBALD NAPIER.

Viz: "Beginning at the uttermost point towards the south, next to the eastern side of the barony of Dumipace, lying on the northern side of Argalis bay, and thence

^a There is now pending in the court of session at Edinburgh, a claim to this baronetcy, in which the crown has by a remit from the lords of the treasury to the barons of the exchequer in Scotland, considered the lands and the title united in descent (1839).

eastward three miles along the said bay, and thence northward six miles, but keeping six miles in breadth, to be called *the Barony of Naper*." But of this barony no sasine is recorded.

These few citations may be enough to show the extent and description of those lands which formed a barony. And although the baronets of Nova Scotia at the present day may little estimate the possession of so noble a territory, which first led to the dignity conferred upon their ancestors: yet such a property is of no inconsiderable value, and might be as much worthy their attention, in the assertion of their rights, as the title they are proud to assume.

The following list of baronets who had sasine of their baronies in Nova Scotia, is taken from the minute book of general register of sasines at Edinburgh, &c.—Fol. 67-174.

			LIB.	FOL.
1625.	July.	Seisin of Sir Alexander Strachan, of his lands in Nova Scotia, of Thornton.	17	342
		David Swingstoun, of one part of Nova Scotia, booked in the particular register in August, of Dunipace, or West quarter.		
	Aug.	Sir William Douglas of Glenbervie, of his part of Nova Scotia.	18	124
		Sir William Douglas of one part of Nova Scotia, booked in the particular register of August, 1625.		
	Sept.	Sir William Alexander, of one part of the continent of Nova Scotia, afterwards earl of Stirling.	18	177
	Oct.	Sir Alexander Gordon, of one part of Nova Scotia, of Cluny.	18	200
		John Colquhoun, of one part of Nova Scotia, of Luss, afterwards of Tilliquhoun.	18	201
		Sir Richard Murray, of his part of Nova Scotia, of Cockpool, represented by the earl of Mansfield.	18	202
	Nov.	Sir Gilbert Ramsay, of his part of Nova Scotia, of Balmain.	18	233
1626.	May.	Sir William Forbes, of one part and portion of Nova Scotia, of Monymusk, now of Pitsligo.	19	166
		Sir George Johnstoun, of one part of New Scotland, of Caskieben.	19	177
	June.	Sir Thomas Burnet, of one part of Nova Scotia, of Leys.	19	212

			LIB.	FOL.
1626.	June.	Seisin of Sir John Lesly, of one part of the lands in New Scotland, of Wardes and Findrassie.	19	215
		Sir James Gordoun, of one part of the lands of Nova Scotia, of Lismore.	19	219
		Sir John Moncreiff, of one part of the lands of New Scotland, of Moncreiff of Tullibole.	19	259
	July.	Sir William Murray, of one part of the lands of Nova Scotia, of Clairmounth, of Hillhead.	19	338
	Nov.	Sir John Wemys of one part of Nova Scotia, of Wemys, afterwards earl Wemys.	20	170
		Sir George Johnstoun, of one part of New Scotland.	20	203
1627.	Feb.	Sir John Blackadder, of one part of Nova Scotia, of Tullicallan.	20	317
	July.	Sir Duncan Campbell, of one part of the lands of Nova Scotia, of Glenurquhy, now earl of Breadalbane.	21	365
		John Livingstoun, of Kinnaird, of one part of the lands of Nova Scotia, represented by earl Newburgh, as considered.	22	3
		Sir John Ogilvy, of one part of the lands of Nova Scotia, of Innerquharity.	22	9
		Sir William Cunningham, of one part of Nova Scotia, of Cunninghamhead.	22	15
	Augt.	Sir James Ogilvy, of one part of Nova Scotia, of Banff, afterwards lord Banff.	22	33
	Dec.	Sir James M'Gill, of one part of Nova Scotia, of Cranstoun Riddell, represented by Sir John H. Dalrymple, of Cranstoun, Bart.	22	278
1628.	May.	Sir Thomas Hope, of lands in Nova Scotia, of Craighall.	23	301
		Sir Colin Campbell, of lands in Nova Scotia, of Lundie, in Angus.	23	327
		Sir Robert Innes of lands in Nova Scotia, of Innes, now duke of Roxburgh.	23	330
	Oct.	Sir Archibald Murray, of lands in Nova Scotia, of Blackbarony.	24	421
	Nov.	Sir Donald M'Kay, of lands in Nova Scotia, of Strathnaver, now lord Reay.	25	8

			LIB.	FOL.
1628.	Nov.	Seisin of Sir Arthur Forbes, of lands in Nova Scotia, of Castle Forbes, now lord Forbea.	25	26
		Sir Francis Hamiltoun, of lands in Nova Scotia, of Killach.	26	29
	Dec.	Sir Samuel Johnstoun, of lands in Nova Scotia, of Elphinstoun.	25	61
		Sir Dougal Campbell, of lands in Nova Scotia, of Auchinbreck.	25	108
		Sir Donald Campbell, of lands in Nova Scotia, of Ardnamurchan.	25	111
		Sir Robert Montgomery, of lands in Nova Scotia, of Skelmorly, represented by the earl of Eglintoun.	25	112
1629.	Jan.	Edward lord Newburgh, of lands in Nova Scotia, Barrett lord Newburgh, represented by lord Dacre as supposed.	25	135
	Feb.	Sir John Riddell, of lands in Nova Scotia, of Riddell.	25	227
	Mar.	Sir James Livingstoun, of lands in Nova Scotia, of Newbigging, represented by viscount Tevist.	25	295
	April.	Sir William Cockburn, of lands in Nova Scotia, of Langtoun.	25	366
	Aug.	Sir William Bruce, of the barony of Stenhouse, in Nova Scotia.	26	308
		Sir James Oliphant, of the barony of Oliphant, of Newton.	26	341
1630.	Jan.	Sir William Graham, of the barony of New Braco, of Braco.	27	256
		Sir William Elphinstone, of the barony of New Glasgow, his majesty's cup bearer.	27	269
	Feb.	Sir John Nicolson, of the barony of Laswade, in America, afterwards of Glenbervie.	27	293
	March.	Sir John M'Kenzie, of the barony of Tarbat, in America, afterwards earl of Cromarty.	26	6
	July.	Sir Michael Arnot, of the barony of Arnot, in America.	29	61
	Oct.	Sir Patrick Murray, of the barony of Elibank Murray, in Nova Scotia, now lord Elibank, Magnæ spes altera Britannia.	29	162

			LIB.	FOL.
1630.	Dec.	Seisin of Sir William Murray, of the barony of New Duncarn, in Nova Scotia, and of the haill gold mines within the said barony of Duncarn.	29	369
1631.	Jan.	Sir George Forrester, of the barony of Corstorphine, in Nova Scotia, afterwards lord Forrester.	30	32
	Feb.	Sir James Sibbald of the barony of Rankeiller Sibbald in Nova Scotia, now under claim before the court of session.	30	77
		Sir Robert Richardson, of the barony of Pericaitland, in Nova Scotia.	30	152
	April.	Sir James Maxwell, of the barony of Mauldslie, in Nova Scotia, of Calderwood.	30	260
		Sir Henry Wardlaw, of the barony of Wardlaw, in Nova Scotia, of Pitreavie.	30	289
	June.	Sir John Gordoun, of the barony of New Embo, in Nova Scotia, of Embo.	31	130
	July.	Sir James Sinclair, of the barony of Cannisby Sinclair, in Nova Scotia, and haill gold mines within the said barony, now earl of Caithness.	31	261
	Sep.	Sir Colin Campbell of the barony of Glenurquhy Campbell, in Nova Scotia, and haill iron and gold mines within the samen, and privilege of transporting of all gold affecting mines thereto, now earl of Breadalbane.	32	36
1632.	Feb.	Sir Lachlan M'Lean, of the barony of New Morvarren, with privilege to dig als deep as he pleases for gold mines and precious stones, of Morvarren.	32	347
1633.	Jan.	Sir James Carmichael, of his barony in Nova Scotia, with power to dig for searching of gold mines, and for that effect to transport thither all gold affecting mines, of Westraw, afterwards earl of Hyndford.	35	293
1634.	June.	Sir David Cunninghame, of the barony of Auchinharvie, represented as considered by Robert Cunninghame, of Seabank.	39	399
	Aug.	Sir Alexander Foulis, of the barony of New Collington, of Collington.	40	338

			LIB.	FOL.
1634.	Aug.	Seisin of Colonel Hector Munro, of the barony of New Foulis, of Foulis.	40	343
1635.	Aug.	Sir John Gascoigne, of one barony or portion of land in Nova Scotia, of Barnbow in Yorkshire. Heir unknown.	42	384
	Sep.	Sir Arthur Pilkington, of one barony or portion of Land in New Scotland, of Stainlie in Yorkshire. Heir not known,—certainly not extinct.	43	65
1635.	Sept.	Sir Walter Norton, of one barony of land in New Scotland; represented by the Editor of this work. ^a	43	67
	Decem.	Sir Edward Widdrington, of one barony or portion of land in New Scotland, of Cairtington, co. North-umberland, afterwards Lord Widdrington.	43	229
		Sir James Hay, of one barony or portion of land in New Scotland, of Smithfield.	44	28
1636.	July.	Sir John Sinclair, of one barony of land in New Scotland, of Stevenstoun and Murkle.	44	210
1637.	Feb.	Sir Thomas Nicolson, of one barony of land in Nova Scotia, of Carnock; represented by Sir Michael Shaw Stewart of Blackhall.	46	22
	March.	Sir George Preston, of one barony of land in New Scotland, with the haill gold mines therein, and power to transport thereto all gold affecting mines, of Valleyfield.	46	62
	July.	Sir Henry Wardlaw, of the barony of Wardlaw, which is imagined to be in New Scotland, of Pitreavie.	46	228
	Decem.	Sir Andrew Ker, of a barony of land in New Scotland, of Greenhead.	46	376
1640.	Nov.	Sir Robert Campbell of one part of Nova Scotia.	49	354

^a Confirmed into another charter of lands, erected into the barony of St. Maur in New Scotland.

THE PERSONS AFTER NAMED OBTAINED CHARTERS OF LANDS IN NOVA SCOTIA,
WHICH DO NOT APPEAR TO HAVE BEEN FOLLOWED BY SEISINS.

	DATE.
Sir Robert Gordon, of Gordonstoun, represented by Sir James Gordon, of Letterfourie,	28 May, 1625.
William Earl Marishall, Keith Marishall, represented by Sir Alexander Keith, of Ravelston, knt.,	28 May, 1625.
Donald M'Donald, Macdonald of Slate, now lord Macdonald, ..	14 July, 1625.
Sir ——— Erskine,	28 Dec., 1625.
Sir George Ogilvey, Carnousie, afterwards earl of Findlater, ..	24 April, 1626.
James Stewart, Corsewall Stewart, second son of Alexander earl of Galloway, represented by the earl of Galloway, ..	18 April, 1627.
Peter Crosbie, of the privy council in Ireland, Banovia, ..	24 April, 1627.
Walter Crosbie, of Crosbie Park, Banovia,	24 April, 1627.
Archibald Napier, of Merchistoun, after lord Napier, ..	2 May, 1627.
Archibald Aitcheson, Monteagle, now earl Gosford, ..	1 Jan., 1628.
Sir ——— Sandilands,	10 Jan., 1628.
Sir James Haliburton, of Piteur,	12 Jan., 1628.
Sir James Skene, of Curryhill,	22 Feb., 1628.
Sir John Crawford, of Kilbirny,	14 May, 1628.
Sir ——— Cadell,	21 May, 1628.
Sir Robert Barr,	29 Sept., 1628.
Sir Andrew Stewart, lord Castle Stewart,	20 Oct., 1628.
John Preston, of Airdrie,	22 Feb., 1628.
Sir Patrick Agnew, Agnew, of Lochnaw,	28 July, 1629.
Sir Alexander Gibson, of Durie,	28 July, 1629.
Sir Robert Hannay, Mochrum,	31 Mar., 1630.
Sir William Forbes, Craigievar,	20 April, 1630.
Sir John Maxwell, of Pollock,	25 Nov., 1630.
Sir David Cunninghame, Robertland,	25 Nov., 1631.
Sir James Balfouer, Denmiln, Lyon king of arms,	22 Dec., 1633.
Sir Philibert Vernate, Carleton, of Yorkshire,	7 June, 1634.
Sir Henry Bingham, Castlebar, of Mayo in Ireland, now earl of Lucan in that kingdom,	7 June, 1634.
Sir James Hamiltoun, Hamiltoun, of Broomhill,	6 Jan., 1635.

	DATE.
Mary Bolles,* Cudworth,	19 Dec., 1635.
Sir John Fortescue, Stainley, of Salden, county of Bucks, ..	17 Feb., 1635-6.
Sir Thomas Thomson, of Dudingstone,	20 Feb., 1635-6.
Sir Edward Moir, of Longford, Nottinghamshire,	18 June, 1636.
Sir John Curzon, Kedleston, Derbyshire, now lord Scarsdale, ..	8 June, 1636.
Sir Alexander Abercromby, of Birkenbog,	18 June, 1636.
Sir John Raney, Rutam, of Polham, Kent, (Index to Reg. Mag. Sigill. 13 Sept. 1636),	21 Nov., 1636.
Sir Gideon Baillie, Lochend,	21 Nov., 1636.
Sir Henry Slingsby, Scriven, Yorkshire,	2 Mar., 1638.
Sir Thomas Peirs, Stonypitts,	24 Mar., 1638.
Sir Edward Musgrave, of Hayton Castle, county of North- umberland,	20 Oct., 1638.
Sir Edward Longueville, Wolverton, county of Bucks, ..	17 Dec., 1638.
Sir Amos Meredith, of Ashley Castle, Cheshire,	2 Jan., 1639.

Collins, in his *baronetage*, v. 5., p. 346, mentions a Sir Gilbert Pickering, of Titchmarsh, in Northamptonshire, to have been made a baronet of Nova Scotia, and gives a copious account of the family; but leaves the date of the creation blank. The name does not appear in the records from which these lists have been taken.

There is a charter of king William the III., dated at Kensington, 27th June, 1698, and passed under the great seal of Scotland, confirming so lately as that year, a grant of lands in Nova Scotia, which emanated under the powers given by the charters to Sir William Alexander, lord proprietor of that colony, with the title of baronet, which with the lands as annexed thereto, privileges, &c., were resigned for the granting of this confirmation to a new series of heirs.

* She was the wife of Sir Thomas Bolles, of Osberton, co. Notts., and had a daughter Anne, who married Sir William Dalston, baronet.—(*Collins's Baronetage*, v. ii., p. 155).

The following are patents, *de titulo militis baronetti in Scotland*, and are given as a few examples to show that after the restoration of king Charles II., the description of *Nova Scotia* was omitted ; so that the baronets thus created, cannot be considered as coming under the conditions of the original foundation of that order.

Index to Register of the Great Seal of Scotland.

LIB.	VOL.		DATE.
60	17	Diploma to Sir Andrew Gilmour,	16 Aug., 1661.
..	39 Sir John Foulis, of Ravelston, ..	15 Oct., 1661.
..	75 Sir George Ogilvy, of Barras, ..	5 Mar., 1661-2.
..	381 Sir David Carnegie,	20 Feb., 1663.
..	383 Sir Thomas Hay, of Park, ..	23 Aug., 1663.
..	384 Sir George Mowat, of Ingliston, ..	2 June, 1664.
..	385 Sir James Brown, of Barbadoes, ..	17 Feb., 1664.
..	390 Sir William Murray, of Stanhope, ..	13 Feb., 1664.
..	391 Sir John Henderson, of Fordel, ..	15 July, 1664.
..	422 Sir John Kircaldie, of Grange, ..	14 May, 1664.

A P P E N D I X .

NUMBER ONE.

C H A R T E R

IN FAVOUR OF

SIR WILLIAM ALEXANDER, KNIGHT,

OF THE

LORDSHIP AND BARONY OF NOVA SCOTIA, IN AMERICA.

JACOBUS Dei gratia Magnae Britanniae Franciae et Hyberniae Rex &c. Fideique Defensor Omnibus probis hominibus totius terrae suae clericis et laicis salutem Sciatis nos semper ad quamlibet quae ad decus et emolumentum regni nostri Scotiae spectaret occasionem amplectandum fuisse intentos nullamque aut faciliorem aut magis innoxiam acquisitionem censere quam quae in exteris et incultis regnis ubi vitae et victui suppetunt commoda novis deducendis coloniis facta sit praesertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest plurimum insessa fuerunt sed cum et alia nonnulla regna et haec non ita pridem nostra Anglia laudabiliter sua nomina novis terris acquisitis et a se subactis indiderunt quam numerosa et frequens Divino beneficio haec gens hac tempestate sit nobiscum reputantes quamque honesto aliquo et utili cultu eam studiose exerceri ne in deteriora ex ignavia et otio prolabatur expediat plerosque in novam deducendos regionem quam coloniis compleant operae praetium duximus qui et animi promptitudine et alacritate corporumque robore et viribus quibuscunque difficultatibus si qui alii mortalium uspiam se audeant opponere hunc conatum huic regno maxime idoneum inde arbitramur quod virorum tantummodo et mulierum jumentorum et frumenti non etiam pecuniae transvectionem postulat neque incommodum ex ipsius regni mercibus retributionem hoc tempore cum negotiatio adeo imminuta sit possit reponere hisce de causis sicuti et propter fidele et gratum dilecti nostri consiliarii Domini Willelmi Alexandri equitis servitium nobis prae-

Reg. Mag. Sig.
B. 50. N. 36.

stitum et praestandum qui propriis impensis ex nostratibus primus externam hanc coloniam ducendam conatus sit diversasque terras infra-designatis limitibus circumscriptas incolendas expetiverit Nos igitur ex regali nostra ad Christianam religionem propagandam et ad opulentiam prosperitatem pacemque naturalium nostrorum subditorum dicti regni nostri Scotiae acquirendam cura sicuti alii principes extranei in talibus casibus hactenus fecerunt cum avisamento et consensu praedilecti nostri consanguinei et consilarii Joannis Comitis de Mar Domini Erskyn et Gareoch, &c. summi nostri thesaurarii computorum rotulatoris collectoris ac thesaurarii novarumstrarum augmentationum hujus regni nostri Scotiae ac reliquorum dominorum nostrorum commissionariorum ejusdem regni nostri Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willelmo Alexander haeredibus suis vel assignatis quibuscunque haereditarie Omnes et singulas terras continentes ac insulas situat et jacen in America intra caput seu promontorium communiter Cap de Sable appellat, jacen prope latitudinem quadraginta trium graduum aut eo circa ab equinoctiali linea versus septentrionem a quo promontorio versus littus maris tenden ad occidentem ad stationem navium Sanctae Mariae vulgo *Sanctmarais bay* et deinceps versus septentrionem per directam lineam introitum sive ostium magnae illius stationis navium trajicien quae excurrit in terrae orientalem plagam inter regiones Suriquorum ac Stecheminorum vulgo *Suriquois* et *Stechemines* ad fluvium vulgo nomine Sanctae Crucis appellat et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se primum praedicto fluvio immiscit unde per imaginariam directam lineam quae pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem fluvium vel scaturiginem in magno fluvio de Canada sese exonerantem et ab eo pergendo versus orientem per maris oras littorales ejusdem fluvii de Canada ad fluvium stationem navium portum aut littus communiter nomine de Gathepe vel Gaspie notum et appellatum et deinceps versus euronotum ad insulas Bacalaos vel Cap Britton vocat reliquendo easdem insulas a dextra et voraginem dicti magni fluvii de Canada sive magnae stationis navium et terras de Newfoundland cum insulis ad easdem terras pertinentibus a sinistra et deinceps ad caput sive promontorium de Cap Britton praedict jacen prope latitudinem quadraginta quinque graduum aut eo circa et a dicto promontorio de Cap Britton versus meridiem et occidentem ad praedict Cap Sable ubi incepit perambulatio includen et comprehenden intra dictas maris oras littorales ac earum circumferentias a mari ad mari omnes terras continentes cum fluminibus torrentibus sinibus littoribus insulis aut maribus jacen prope aut intra sex leucas ad aliquam earundem partem ex occidentali boreali vel orientali partibus orarum littoralium et praecinctuum earundem et ab euronoto (ubi jacet Cap Britton) et ex australi parte ejusdem (ubi est Cap de Sable) omnia maria ac insulas versus meridiem intra quadraginta leucas dictarum orarum littoralium earundem magnam insulam vulgariter appellat Ile de Sable vel Sablon includen jacen versus

Carban vulgo south-south-eist circa triginta leucas a dicto Cap Britton in mari et existen in latitudine quadraginta quatuor graduum aut eo circa Quaequidem terras praedict omni tempore affuturo nomine NOVAE SCOTIAE in America gaudebunt quas etiam praefatus Dominus Willelmus in partes et portiones sicut ei visum fuerit dividet eisdemque nomina pro bene placito imponet Una cum omnibus fodinis tam regalibus auri et argenti quam aliis fodinis ferri plumbi cupri aeris stanni aliisque mineralibus quibuscunque cum potestate effodiendi ac de terra effodere causandi purificandi et repurgandi easdem et convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti dicto Domino Willelmo Alexander haeredibus suis vel assignatis aut iis quos suo loco in dictis terris stabilire ipsum contigerit visum fuerit (Reservando solummodo nobis et successoribus nostris decimam partem metalli vulgo *ore* auri et argenti quod ex terra in posterum effodietur aut lucrabitur) Relinquendo dicto Domino Willelmo suisque praedict quodcunque ex aliis metallis cupri chalibis ferri stanni plumbi aut aliorum mineralium nos vel successores nostri quovismodo exigere possumus ut eo facilius magnos sumptus in extrahendis praefatis metallis tolerare possit Una cum margaritis vulgo *pearle* ac lapidibus praeciosis quibuscunque aliis lapicidinis silvis virgultis mossis marresiiis lacubus aquis piscationibus tam in aqua salsa quam recenti tam regalium piscium quam aliorum venatione aucupatione commoditatibus et haereditamentis quibuscunque Una cum plenario jure privilegio et jurisdictione liberae regalitatis capellae et cancellariae imperpetuum cumque donatione et patronatus jure ecclesiarum capellaniarum et beneficiorum cum tenentibus tenandriis et libere tenentium servitiis earundem una cum officiis justiciariae et admiralitatis respective infra bondas respective supra mentionat Una cum potestate civitates liberos burgos liberos portus villas et burgos baroniae erigendi et fora et nundinas infra bondas dict terrarum constituendi curias justiciariae et admiralitatis infra limites dict terrarum fluviorum portuum et marium tenendi una etiam cum potestate imponendi levandi et recipiendi omnia tolonia custumas anchoragia aliasque dict burgorum fororum nundinarum et liberorum portuum devorias et eisdem possidendi et gaudendi adeo libere in omnibus respectibus sicuti quivis baro major aut minor in hoc regno nostro Scotiae gavisus est aut gaudere poterit quovis tempore praeterito vel futuro cum omnibus aliis praerogativis privilegiis immunitatibus dignitatibus casualitatibus proficuis et devoriis ad dictas terras maria et bondas earundem spectan et pertinen et quae nos ipsi dare vel concedere possumus adeo libera et ampla forma sicuti nos aut aliquis nostrorum nobilium progenitorum aliquas cartas patentes literas infeofamenta donationes aut diplomata concesserunt cuivis subdito nostro cujuscunque qualitatis aut gradus cuivis societati aut communitati tales colonias in quascunque partes extraneas deducendi aut terras extraneas investigandi in adeo libera et ampla forma sicut eadem in hac praesenti carta nostra insereretur Facimus etiam constituimus et ordinamus dictum Dominum Willelmum Alexander haeredes suos aut assignatos

vel eorum deputatos nostros **HÆREDITARIOS LOCUM TENENTES** generales ad representandum nostram personam regalem tam per mare quam per terram in regionibus maris oris ac finibus praedict in petendo dict terras quamdiu illic manserit ac redeundo ab eisdem ad gubernandum regendum et puniendum omnes nostros subditos quos ad dictas terras ire aut easdem inhabitare contigerit aut qui negotiationem cum eisdem suscipient vel in eisdem locis remanebunt ac eisdem ignoscendum et ad stabiliendum tales leges statuta constitutiones directiones instructiones formas gubernandi et magistratuum ceremonias infra dictas bondas sicut ipsi Domino Willelmo Alexander aut ejus praedict ad gubernationem dictae regionis et ejusdem incolarum in omnibus causis tam criminalibus quam civilibus visum fuerit et easdem leges regimina formas et ceremonias alterandum et mutandum quoties sibi vel suis praedictis pro bono et commodo dictae regionis placuerit ita ut dictae leges tam legibus hujus regni nostri Scotiae quam fieri possunt sint concordēs Volumus etiam ut in casu rebellionis aut seditionis legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes adeo libere sicuti aliquis locum tenens cujusvis regni nostri vel dominiū virtute officii locum tenentis habent vel habere possunt excludendo omnes alios officarios hujus regni nostri Scotiae terrestres vel maritimos qui in posterum aliquid jurisclamei commoditatis authoritatis aut interesse in et ad dict terras aut provinciam praedict vel aliquam inibi jurisdictionem virtute alicujus precedentis dispositionis aut diplomatis pretendere possunt Et ut viris honesto loco natis sese ad expeditionem istam subeundam et ad colonos plantationem in dictis terris addatur animus nos pro nobis nostrisque haeredibus et successoribus cum avisamento et consensu praedict virtute praesentis cartae nostrae damus et concedimus liberam et plenariam potestatem praefato Domino Willelmo Alexander suisque praedict conferendi favores privilegia munia et honores in demerentes Cum plenaria potestate eisdem aut eorum alicui quos cum ipso Domino Willelmo suisque praedict pactiones vel contractus facere pro eisdem terris contigerit sub subscriptione sua vel suorum praedict et sigillo infra mentionato aliquam portionem vel portiones dictarum terrarum portuum navium stationum fluviorum aut praemissorum alicujus partis disponendi et extradonandi erigendi etiam omnium generum machinas artes facultates vel scientias aut easdem exercendi in toto vel in parte sicuti ei pro bono ipsorum visum fuerit dandi etiam concedendi et attribuendi talia officia titulos jura et potestates constituendi et designandi tales capitaneos officarios balivos gubernatores clericos omnesque alios regalitatis baroniae et burgi officarios aliosque ministros pro administratione justitiae infra bondas dictarum terrarum aut in via dum terras istas per mare petunt et ab eisdem redeunt sicuti ei necessarium videbitur secundum qualitates conditiones et personarum merita quos in aliqua coloniarum dictae provinciae aut aliqua ejusdem parte habitare contigerit aut qui ipsorum bona vel fortunas pro commodo et incremento ejusdem periculo committent et eosdem ab officio removendi alterandi et mutandi prout ei suisque praescript expediens videbitur Et

cum hujusmodi conatus non sine magno labore et sumptibus fiunt magnamque pecuniae largitionem requirant adeo ut privati cujusvis fortunas excedant et multorum suppetiis indigeant ob quam causam praefatus Dominus Willelmus Alexander suique praescript cum diversis nostris subditis aliisque pro particularibus periclitationibus et susceptionibus ibidem qui forte cum eo suisque haeredibus assignatis vel deputatis pro terris piscationibus mercimoniis aut populi transportatione cum ipsorum pecoribus rebus et bonis versus dictam Novam Scotiam contractus inhibunt volumus ut quicunque tales contractus cum dicto Domino Willelmo suisque praescript sub ipsorum subscriptionibus et sigillis expedient limitando assignando et affigendo diem et locum pro personarum bonorum et rerum ad navem deliberatione sub poena et forisfactura cujusdam monetae summae et eosdem contractus non perficient sed ipsum frustrabunt et in itinere designato ei nocebunt quod non solum dicto Domino Willelmo suisque praedict prout esse praedictio et nocumento verum etiam nostrae tam laudabili intentioni obstabit et detrimentum inferet tunc licitum erit praefato Domino Willelmo Alexander suisque praedict vel eorum deputatis et conservatoribus inframentionatis in eo casu sibi suisve praedict quos ad hunc effectum substituet omnes tales summas monetae bona et res forisfactas per talium contractuum violationem assumere Quod ut facilius fiat et legum prolixitas evitetur dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus plenariam licentiam libertatem et potestatem dicto Domino Willelmo suisque haeredibus et assignatis praedict eligendi nominandi assignandi ac ordinandi libertatum et privilegiorum per praesentem hanc nostram cartam sibi suisque praedict concessorum conservatorem qui expeditae executioni leges et statuta per ipsum suosque praedict facta secundum potestatem ei suisque praedict per dictam nostram cartam concessam demandabit volumusque et ordinamus potestatem dicti conservatoris in omnibus actionibus et causis ad personas versus dictam plantationem contrahentes spectantibus absolutam esse sine ulla appellatione aut procrastinatione quacunque quicquidem conservator possidebit et gaudebit omnia privilegia immunitates libertates et dignitates quascunque quae quivis conservator Scotticorum privilegiorum apud extraneos vel in Gallia Flandria aut alibi hactenus possiderunt aut gavisi sunt quovis tempore praeterito Et licet omnes tales contractus inter dictum Dominum Willelmum suosque praedict et praedictos periclitatores per periclitationem et transportationem populorum cum ipsorum bonis et rebus ad statutum diem perficientur et ipsi cum suis omnibus pecoribus et bonis ad littus illius provinciae animo coloniam ducendi et remanendi appellent et nihilominus postea vel omnino provinciam Novae Scotiae et ejusdem confinia sine licentia dicti Domini Willelmi ejusque praedict vel eorum deputatorum vel societatem et coloniam praedict ubi primum combinati et conjuncti fuerant derelinquent et ad agrestes aborigines in locis remotis et desertis ad habitandum sese conferent quod tunc amittent et forisfacient omnes terras prius iis concess omnia etiam bona infra omnes praedictas bondas et licitum erit praedicto Domino

Willelmo suisque praedict eadem fisco applicare et easdem terras recognoscere eademque omnia ad ipsos vel eorum aliquem quovismodo spectantia possidere et suo peculiari usui suorumque praedict convertere Et ut omnes dilecti nostri subditi tam regnorum nostrorum et dominiorum quam alii extranei quos ad dictas terras aut aliquam earundem partem ad mercimonia contrahenda navigare contigerit melius sciant et obedientes sint potestati et auctoritati per nos in praedictum fidelem nostrum consiliarum Dominum Willelmum Alexander suosque praedict collatae in omnibus talibus commissionibus warrantis et contractibus quos quovis tempore futuro faciet concedet et constituet pro decentiori et validiori constitutione officiariorum pro gubernatione dictos colonos concessione terrarum et executione justitiae dictos inhabitantes periclitantes deputatos factores vel assignatos tangen in aliqua dictarum terrarum parte vel in navigatione ad easdem terras nos cum avisamento et consensu praedicto ordinamus quod dictus Dominus Willelmus Alexander suique praedict unum commune sigillum habebunt ad officium Locum tenentis justitiae et admiralitatis spectan quod per dictum Dominum Willelmum Alexander suosque praedict vel per deputatos suos omni tempore futuro custodietur in cujus unolatre nostra insignia insculpentur cum his verbis in ejusdem circulo et margine SIGILLUM REGIS SCOTIE ANGLIE FRANCIE ET HYBERNIE et in altero latere imago nostra nostrorumque successorum cum his verbis (PRO NOVE SCOTIE LOCUM TENENTE) cujus justum exemplar in manibus ac custodia dicti conservatoris remanebit quo prout occasio requireret in officio suo utatur Et cum maxime necessarium sit ut omnes dilecti nostri subditi quotquot dictam provinciam Novae Scotiae vel ejus confinia incolent in timore omnipotentis Dei et vero ejus cultu simul vivant omni conamine intentus Christianam religionem inibi stabilire pacem etiam et quietem cum nativis incolis et agrestibus indigenis earum terrarum colere (unde ipsi et eorum quilibet mercimonia ibi exeroentes tuti cum oblectamento ea quae magno cum labore et periculo acquisiverunt quiete possidere possint) nos pro nobis nostrisque haeredibus et successoribus volumus nobisque visum est per praesentis cartae nostrae tenorem dare et concedere dicto Domino Willelmo Alexander suisque praedict et eorum deputatis vel aliquibus aliis gubernatoribus officiariis et ministris quos ipsi constituent liberam et absolutam potestatem tractandi et pacem affinitatem amicitiam et mutua colloquia operam et communicationem cum silvestris illis aboriginibus et eorum principibus vel quibuscunque aliis regimen et potestatem in ipsos habentibus contrahendi observandi et alendi tales affinitates et colloquia quae ipsi vel sui praedict cum iis contrahent modo foedera illa ex adversa parte per ipsos silvestres fideliter observentur quod nisi fiat arma contra ipsos sumendi quibus redigi possunt in ordinem sicuti dicto Willelmo suisque praedict et deputatis pro honore obedientia et Dei servitio ac stabilimento defensione et conservatione auctoritatis nostrae inter ipsos expediens videbitur Cum potestate etiam praedicto Domino Willelmo Alexander suisque praedict per ipsos vel eorum deputatos substitutos vel assignatos pro ipsorum defensione tutela omni tempore

et omnibus justis occasionibus in posterum aggrediendi ex inopinato invadendi expellendi et armis repellendi tam per mare quam per terram omnibus modis omnes et singulos qui sine speciali licentia dicti Domini Willelmi suorumque praedict terras inhabitare aut mercaturum facere in dicta Novae Scotiae provincia aut quavis ejusdem parte conabuntur et similiter omnes alios quoscunque qui aliquid damni detrimenti destructionis laesionis vel invasionis contra provinciam illam aut ejusdem incolas inferre praesumunt quod ut facilius fiat licitum erit dicto Domino Willelmo suisque praedict eorum deputatis factoribus et assignatis contributiones a periclitantibus et incolis ejusdem levare in unum cogere per proclamationes vel quovis alio ordine talibus temporibus sicuti dicto Domino Willelmo suisque praedict expediens videbitur omnes nostros subditos infra dictas limites dictae provinciae Novae Scotiae inhabitantes et mercimonia ibidem exercentes convocare pro meliori exercituum necessariorum supplemento et populi et plantationis dictarum terrarum augmentatione et incremento Cum plenaria potestate privilegio et libertate dicti Domini Willelmi Alexander suisque praedict per ipsos vel eorum substitutos per quaevis maria sub nostris insigniis et vexillis navigandi cum tot navibus tanti oneris et tam bene munitione viris et victualibus instructis sicuti possunt parare quovis tempore et quoties iis videbitur expediens ac omnes cujuscunque qualitatis et gradus personas nostri subditi existentes aut qui imperio nostro sese subdere ad iter illud suscipiendum voluerint cum ipsorum jumentis equis bobus ovibus bonis et rebus omnibus munitionibus machinis majoribus armis et instrumentis militaribus quotquot voluerint aliisque commoditatibus et rebus necessariis pro usu ejusdem colonos mutuo commercio cum nativis inhabitantibus earum provinciarum aut aliis qui cum ipsis plantatoribus mercimonia contrahent transportandi et omnes commoditates et mercimonia quae iis videbuntur necessaria in regnum nostrum Scotiae sine alicujus taxationis customae aut impositionis pro eisdem solutione nobis vel nostris customariis aut eorum deputatis inde portandi eosdemque ab eorum officiis in hac parte pro spatio septem annorum diem datae praesentis cartae nostrae immediate sequen inhibendo quamquidem solam commoditatem per spatium tredecim annorum in posterum libere concessimus tenoreque praesentis cartae nostrae concedimus et disponimus dicto domino Willelmo suisque praedict secundum proportionem quinque pro centum postea mentionat Et post tredecim illos annos finitos licitum erit nobis nostrisque successoribus ex omnibus bonis et mercimoniis quae ex hoc regno nostro Scotiae ad eandem provinciam vel ex ea provincia ad dictum regnum nostrum Scotiae exportabuntur vel importabuntur in quibusvis hujus regni nostri portibus per dictum Willelmum suosque praedict tantum quinque libras pro centum secundum antiquam negotiandi morem sine ulla alia impositione taxatione customa vel devoria ab ipsis imperpetuum levare et exigere quaequidem summa quinque librarum pro centum sic soluta per dictum Dominum Willelmum suosque praedict aliisque nostris officiariis ad hunc effectum constitutis exinde licitum erit dicto Domino

Willelmo suisque praedict eadem bona de hoc regno nostro Scotiae in quasvis alias partes vel regiones extraneas sine alicujus alterius custumae taxationis vel devoriae solutione nobis vel nostris haeredibus aut successoribus aut aliquibus aliis transportare et avehere proviso tamen quod dicta bona infra spatium tredecim mensium post ipsarum in quovis hujus regni nostri portu appulsionem navi rursus imponantur Dan et conceden absolutam et plenariam potestatem dicto Domino Willelmo suisque praedict ab omnibus nostris subditis qui colonias ducere mercimonia exercere aut ad easdem terras Novae Scotiae et ab eisdem navigare voluerint praeter dictam summam nobis debitam pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotiae ad provinciam Novae Scotiae vel importationis a dicta provincia ad regnum hoc nostrum Scotiae praedict in ipsius ejusque praedict proprios usus sumendi levandi et recipiendi et similiter de omnibus bonis et mercimoniis quae per nostros subditos coloniarum ductores negotiatores et navigatores de dicta provincia Novae Scotiae ad quaevis nostra dominia aut alia quaevis loca exportabuntur vel a nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur ultra et supra dictam summam nobis destinata quinque libras de centum Et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia existentium quae vel de provincia Novae Scotiae exportabuntur vel ad eandem importabuntur ultra et supra dictam summam nobis destinata decem libras de centum dicti Domini Willelmi suorumque predict propriis usibus per tales ministros officarios vel substitutos eorumve deputatos aut factores quos ipsi ad hunc effectum constituent et designabunt levandi sumendi ac recipiendi Et pro meliori dicti Domini Willelmi suorumque praedict aliorumque omnium nostrorum dilectorum subditorum qui dictam Novam Scotiam inhabitare vel ibidem mercimonia exercere voluerint securitate et commoditate et generaliter omnium aliorum qui nostrae auctoritati et potestati sese subdere non gravabuntur nobis visum est volumusque quod licitum erit dicto Domino Willelmo suisque praedictis unum aut plura munimina propugnacula castella loca fortia specula armamentaria *lie blokhoussis* aliaque aedificia cum portubus et navium stationibus aedificare vel aedificari causare una cum navibus bellicis easdemque pro defensione dict locorum applicare sicut dicto Domino Willelmo suisque praedict pro dicto conamine perficiendo necessarium videbitur proque ipsorum defensione militum catervas ibidem stabilire praeter praedicta supramentionata et generaliter omnia facere quae pro conquaestu augmentatione populi inhabitatione preservatione et gubernatione dictae Novae Scotiae ejusdemque orarum et territorii infra omnes hujusmodi limites pertinentias et dependentias sub nostro nomine et auctoritate quodcunque nos si personaliter essemus praesentes facere potuimus licet casus specialem et strictum magis ordinem quam per praesentes praescribitur requirat cui mandato volumus et ordinamus strictissimeque praecipimus omnibus nostris justiciariis officiariis et subditis ad loca illa sese conferentibus ut sese applicent dictoque Domino Willelmo suisque praedictis in omnibus et singulis supra mentionatis earum substantiis

et circumstantiis intendat et obediant eis in earum executione in omnibus adeo sint obedientes ut nobis cujus personam representat esse deberent sub poena disobedientiae et rebellionis Et quia fieri potest quod quidam ad dicta loca transportandi refractarii sint et ad eadem loca ire recusabunt aut dicto Domino Willelmo suisque praedict resistant nobis igitur placet quod omnes vicecomites senescalli regalitatum balivi pacis justiciarii praepositi et urbium balivi eorumque officarii et justitiae ministri quicunque dictum Dominum Willelmum suosque deputatos aliosque praedict in omnibus et singulis legitimis rebus et factis quas facient aut intendunt ad effectum praedict similiter et eodem modo sicuti nostrum speciale warrantum ad hunc effectum haberent assistant fortisficient et eisdem suppetias ferant Declaramus insuper per praesentis cartae nostrae tenorem omnibus Christianis regibus principibus et statibus quod si aliquis vel aliqui qui in posterum de dictis coloniis vel de earum aliqua sit in dicta provincia Novae Scotiae vel aliqui alii sub eorum licentia vel mandato quovis tempore futuro piraticam exercentes per mare vel terram bona alicujus abstulerint vel aliquod injustum vel indebitum hostiliter intra aliquos nostros nostrorumve haeredum et successorum aut aliorum regum principum gubernatorum aut statuum in foedere nobiscum existen subditos quod tali injuria sic oblata aut justa querela desuper mota per aliquem regem principem gubernatorem statum vel eorum subditos praedict nos nostri haeredes et successores publicas proclamationes fieri curabimus in aliqua parte dicti regni nostri Scotiae ad hunc effectum magis commoda ut dict pirata vel piratae qui tales rapinas committent stato tempore per praefatas proclamationes limitando plenariae restituant quaecunque bona sic oblata et pro dictis injuriis omnimodo satisfaciant ita ut dicti principes alique sic conquaerentes satisfactos se esse repetent et quod si talia facinora committent bona oblata non restituent aut restitui faciant infra limitatum tempus quod tunc in posterum sub nostra protectione et tutela minime erunt et quod licitum erit omnibus principibus aliisque praedict delinquentes eos hostiliter prosequi et invadere Et licet neminem nobilem aut generosum de patria hac sine licentia nostra decedere statutum sit nihilominus volumus quod praesens hoc diploma sufficiens erit licentia et warrantum omnibus qui se huic itineri committent qui laesaemajestatis non sunt rei vel aliquo alio speciali mandato inhibiti atque etiam per praesentis cartae nostrae tenorem declaramus volumusque quod nemo patria hac decedere permittatur versus dictam Novam Scotiam nullo tempore nisi ii qui juramentum supremitatis nostrae primum susceperint ad quem effectum nos per praesentes dicto Domino Willelmo suisque praedict vel eorum conservatori vel deputatis idem hoc juramentum omnibus personis versus illas terras in ea colonia sese conferentibus requirere et exhibere plenariam potestatem et auctoritatem damus et concedimus Praeterea nos cum avisamento et consensu antedict pro nobis et successoribus nostris declaramus decernimus et ordinamus quod omnes nostri subditi qui ad dictam Novam Scotiam proficiscuntur aut eam incolent eorumque omnes liberi et

posteritas qui ibi nasci contigerit alique omnes ibidem periclitantes habebunt et possidebunt omnes libertates immunitates et privilegia liberorum et naturalium subditorum regni nostri Scotiae aut aliorum nostrorum dominiorum sicuti ibidem nati fuissent Insuper nos pro nobis et successoribus nostris damus et concedimus dicto Domino Willelmo Alexander suisque praedict liberam potestatem stabiliendi et cudere causandi monetam pro commercio liberiori inhabitantium dictae provinciae cujusvis metalli quo modo et qua forma voluerint et eisdem praescribent atque etiam si quae quaestiones aut dubia super interpretatione aut constructione alicujus clausulae in hac praesenti carta nostra contentae occurrent ea omnia sumuntur et interpretabuntur in amplissima forma et in favorem dicti Domini Willelmi suorumque praedict Praeterea nos ex nostra certa scientia proprio motu autoritate regali et potestate regia fecimus univimus annexavimus ereximus creavimus et incorporavimus tenoreque praesentis cartae nostrae facimus univimus annexamus erigimus creamus et incorporamus totam et integram dictam provinciam et terras Novae Scotiae cum omnibus earundem limitibus et maribus ac mineralibus auri et argenti plumbi cupri chalibis stanni aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinibus silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis portubus liberis burgis urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionatis in unum integrum et liberum Dominium et Baroniam per praedict nomen Novae Scotiae omni tempore affuturo appellandum Volumusque et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod unica sasina nunc per dictum Dominum Willelmum suosque praedict omni tempore affuturo super aliqua parte fundi dict terrarum et provinciae praescript stabit et sufficiens erit sasina pro tota regione cum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et immunitatibus ejusdem supramentionatis absque aliqua alia speciali et particulari sasina per ipsum suosve praedict apud aliquam aliam partem vel ejusdem locum capienda penes quam sasinam omniaque quae inde secuta sunt aut sequi possunt nos cum avisamento et consensu supra expresso pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae modo subtus mentionat dispensamus in perpetuum **TENEN et HABEN** totam et integram dictam regionem et dominium Novae Scotiae cum omnibus ejusdem limitibus infra praedicta maria mineralibus auri et argenti cupri chalibis stanni plumbi aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinibus silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis burgis liberis portubus urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionat cumque omnibus aliis privilegiis libertatibus immunitatibus casualitatibus aliis que supra expressis praefato

Domino Willelmo Alexander haeredibus suis et assignatis de nobis nostrisque successoribus in feodo haereditate libero dominio libera baronia et regalitate imperpetuum per omnes rectas metas et limites suas prout jacent in longitudine et latitudine in domibus aedificiis aedificatis et aedificandis boscis planis moris marresiiis viis semitis aquis stagnis rivolis pratis et pascuis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis brueriis et genistis silvis nemoribus et virgultis lignis tignis lapicidiis lapide et calee cum curiis bludewitis placitis haerezeldis amerciamentis et mulierum marchetis cum libero introitu et exitu ac cum furca fossa sok sac thole thame infangtheiff outfangtheiff wrak wair veth vert vennessoun pitt et gallows ac cum omnibus aliis et singulis libertatibus commoditatibus proficiis asiamentis ac justis suis pertinentiis quibuscunque tam non nominat quam nominat tam subter terra quam supra terram procul et prope ad praedict regionem et dominium spectant seu juste spectare valent quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace absque ulla revocatione contradictione impedimento aut obstaculo quocunque Solvendo inde annuatim dictus Dominus Willelmus Alexander suique praedict nobis nostrisque haeredibus et successoribus unum denarium monetae Scotiae super fundum dictarum et provinciae Novae Scotiae ad festum Nativitatis Christi nomine albae firmae si petatur tantum Et quia tentione dictarum et provinciae Novae Scotiae et alba firma supradicta deficiente tempore et legitimo introitu cujusvis haeredis vel haeredum dicti Domini Willelmi sibi succedendi quod difficulter per ipsos praestari potest ob longinquam distantiam ab hoc regno nostro eadem terrae et provinciae ratione non introitus in manibus nostris nostrorumve successorum deveniunt usque ad legitimum legitimum haeredis introitum et nos nolentes dictas terras et regionem quovis tempore in non introitu cadere neque dictam Dominum Willelmum suoque praedicta beneficia et proficiis ejusdem eatenus frustrari idcirco nos cum avasamento praedicta cum dicto introitu quancumque contigerit dispensavimus tenoreque ejusdem cartae nostrae pro nobis et successoribus nostris dispensamus ac etiam renunciavimus et exoneravimus tenoreque praesentis cartae nostrae cum consensu praedicti renunciamus et exoneramus dictum Dominum Willelmum ejusque praescript praefatum non introitum dictae provinciae et regionis quancumque in manibus nostris deveniet aut ratione non introitus cadet cum omnibus quae desuper sequi possunt proviso tamen quod dictus Dominus Willelmus suique haeredes et assignati infra spatium septem annorum post decessum et obitum suorum praedecessorum aut introitum ad possessionem dictarum aliorumque praedict per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant et dictas terras dominium et baroniam aliaque praedict adeant et per nos recipiantur secundum leges et statuta dicti regni nostri Scotiae Denique nos pro nobis et successoribus nostris volumus decernimus et ordinamus praesentem hanc nostram cartam et infeofamentum supra scripta praedictarum domini et regionis Novae Scotiae privilegia et libertates

ejusdem in proximo nostro Parlamento dicti regni nostri Scotiae cum contigerit ratificari approbari et confirmari ut vim et efficaciam decreti inibi habeat penes quod nos pro nobis et successoribus nostris declaramus hanc nostram cartam sufficiens fore warrantum et in verbo principis eandem ibi ratificari et approbari promittimus atque etiam alterare renovare et eandem in amplissima forma augere et extendere quoties dicto Domino Willelmo ejusque praedicti necessarium et expediens videbitur Insuper nobis visum est ac mandamus et praecipimus dilectis nostris

Vicecomitibus nostris in hac parte specialiter constitutis quatenus post hujus cartae nostrae nostro sub magno sigillo aspectum statum et sasinam actualem et realem praefato Domino Willelmo suisque praedicti eorumve actornato vel actornatis turrarum domini baroniae aliorumque praedicti cum omnibus privilegiis immunitatibus libertatibus aliisque supra expressis dare et concedere quam sasinam nos per praesentis cartae nostrae tenorem adeo legitimam et ordinariam esse declaramus ac si praeceptum sub testimonio nostri magni sigilli in amplissima forma cum omnibus clausulis requisitis ad hunc effectum praedicti haberet penes quod nos pro nobis et successoribus nostris imperpetuum dispensamus In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecepimus testibus praedilectis nostris consanguineis et consiliariis Jacobo Marchione de Hamiltoun comite Aranie et Cambridge domino Aven et Innerdail Georgio Mariscalli comite domino Keith &c. regni nostri mariscallo Alexandro comite de Dumfermeling domino Fyvie et Urquhart &c. nostro cancellario Thoma comite de Melros domino Bynning et Byres nostro secretario dilectis nostris familiaribus consiliariis dominis Ricardo Cokburne juniore de Clerkingtoun nostri secreti sigilli custode Georgio Hay de Kinfawins nostrorum rotulorum registri ac consilii clerico Joanne Cokburne de Ormestoun nostrae justiciariae clerico et Joanne Scott de Scottistarvet nostrae cancellariae direttore militibus Apud castellum nostrum de Windsore decimo die mensis Septembris anno Domini millesimo sexcentesimo vigesimo primo regnorumque nostrorum annis quinquagesimo quinto et decimo nono respective.

Per Signaturam manu S. D. N. Regis suprascriptam manibusque nostri Cancellarii Thesaurarii Principalis Secretarii reliquorumq Dominorum nostrorum Commissionariorum ac Secreti nostri Consilii dicti Regni Scotiae subscript.

Writin to the Great Seall,

29. Septemb. 1621.

J. SCOTT,
gratis.

Sigellat. Edinburgi,
29. Septemb. 1621,
JA. RAITHE.

grs.

NUMBER TWO

CHARTER OF NOVODAMUS

IN FAVOUR OF

SIR WILLIAM ALEXANDER OF MENSTRIE, KNIGHT,

OF

THE LANDS, LORDSHIP AND BARONY OF NOVA SCOTIA, IN AMERICA.

CAROLUS Dei gratia Magnae Britanniae Franciae et Hiberniae Rex Fideique Defensor Omnibus probis hominibus totius terrae suae clericis et laicis salutem Sciatis nos semper ad quamlibet quae ad decus et emolumentum regni nostri Scotiae spectaret occasionem amplectandum fuisse intentos nullamque aut faciliorem aut magis innoxiam acquisitionem censere quam quae in exteris et incultis regnis ubi vitae et victui suppetunt commoda novis deducendis coloniis facta sit praesertim si vel ipsa regna cultoribus prius vacua vel ab infidelibus quos ad Christianam converti fidem ad Dei gloriam interest plurimum in-sessa fuerunt sed cum et alia nonnulla regna et haec non ita pridem nostra Anglia laudabiliter sua nomina novis terris acquisitis et a se subactis indiderunt quam numerosa et frequens Divino beneficio haec gens hac tempestate sit nobiscum reputantes quamque honesto aliquo et utili cultu eam studiose exerceri ne in deteriora ex ignavia et otio pro-labatur expediat plerosque in novam deducendos regionem quam coloniis compleant operae praetium duximus qui et animi promptitudine et alacritate corporumque robore et viribus quibuscunque difficultatibus si qui alii mortalium uspiam se audeant opponere hunc conatum huic regno maxime idoneum inde arbitramur quod virorum tantummodo et mulierum jumentorum et frumenti non etiam pecuniae transvectionem postulat neque incommodum ex ipsius regni mercibus retributionem hoc tempore cum negotiatio adeo imminuta sit possit reponere hisce de causis sicuti et propter fidele et gratum dilecti nostri consilarii Domini Willielmi Alexander equitis servitium nobis praestitum et praestandum qui propriis impensis ex nostratibus primus externam hanc coloniam du-cendam conatus sit diversasque terras infra designatis limitibus circumscriptas incolendas expetiverit Nos igitur ex regali nostra ad Christianam religionem propagandam et ad

opulentiam prosperitatem pacemque naturalium nostrorum subditorum dicti regni nostri Scotiae acquirendam cura secuti alii principes extranei in talibus casibus hactenus fecerunt cum avisamento et consensu praedilecti nostri consanguinei et consilarii Joannis Comitis de Mar Domini Erskyn et Gareoch &c. summi nostri thesaurarii computorum rotulatoris collectoris ac thesaurarii novarum nostrarum augmentationum hujus regni nostri Scotiae ac reliquorum dominorum nostrorum commissionariorum ejusdem regni nostri Dedimus concessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willielmo Alexander haeredibus suis et assignatis quibuscunque haereditarie Omnes et singulas terras continentes ac insulas situatas et jacen in America intra caput seu promontorium communiter *Cap de Sable* appellat, jacen prope latitudinem quadraginta trium graduum aut eo circa ab equinoctiali linea versus septentrionem a quo promontorio versus littus maris tenden ad occidentem ad stationem navium Sanctae Mariae vulgo *St Marie bay* et deinceps versus septentrionem per directam lineam introitum sive ostium magnae illius stationis navium trajicien quae excurrit in terrae orientalem plagam inter regiones Suriquorum ac Stecheminorum vulgo *Suriquois* et *Stechemines* ad fluvium vulgo nomine Sanctae Crucis appellat et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem qui se primum praedicto fluvio immiscit unde per imaginariam directam lineam quae pergere per terram seu currere versus septentrionem concipietur ad proximam navium stationem fluvium vel scaturiginem in magno fluvio de Canada sese exonerantem et ab eo pergen versus orientem per maris oras littorales ejusdem fluvii de Canada ad fluvium stationem navium portum aut littus communiter nomine de Gathepe vel Gaspie notum et appellatum et deinceps versus euronotum ad insulas Bacalaos vel *Cap Britton* vocat relinquendo easdem insulas a dextra et voraeginem dicti magni fluvii de Canada sive magnae stationis navium et terras de Newfoundland cum insulis ad easdem terras pertinentibus a sinistra et deinceps ad caput sive promontorium de Cap Britton praedict jacen prope latitudinem quadraginta quinque graduum aut eo circa et a dicto promontorio de Cap Britton versus meridiem et occidentem ad praedict Cap de Sable ubi incepit perambulatio includen et comprehenden intra dictas maris oras littorales ac earum circumferentiam a mari ad mari omnes terras continentes cum fluminibus torrentibus sinibus littoribus insulis aut maribus jacen prope aut intra sex leucas ad aliquam earundem partem ex occidentali boreali vel orientali partibus orarum littoralium et praecinctuum earundem et ab euronoto ubi jacet Cap Britton et ex australi parte ejusdem ubi est Cap de Sable omnia maria ac insulas versus meridiem intra quadraginta leucas dictarum orarum littoralium earundem magnam insulam vulgariter appellat. Yle de Sable vel Sablon includen jacen versus carban vulgo *south-south-east* circa triginta leucas a Cap Britton praedict in mari et existen in latitudine quadraginta quatuor graduum aut eo circa Quaequidem terrae praedict omni tempore affuturo domine Novae Scotiae in America gaudebunt quas etiam praefatus Dominus Willielmus in partes et

portiones sicut ei visum fuerit dividet eisdemque nomina pro bene placito imponet Una cum omnibus fodiis tam regalibus auri et argenti quam aliis fodiis ferri plumbi cupri stanni aeris ac aliis mineralibus quibuscunque cum potestate effodiendi et de terra effodere causandi purificandi et repurgandi easdem ac convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque sicuti dicto Domino Willielmo Alexander haeredibus suis vel assignatis aut iis quos suo loco in dictis terris stabilire ipsum contigerit visum fuerit Reservando solummodo nobis et successoribus nostris decimam partem metalli vulgo *aurei* auri et argenti quod ex terra in posterum effodietur aut lucrabitur Relinquendo dicto Domino Willielmo suisque praedict quodcunque ex aliis metallis cupri chalibis ferri stanni plumbi aut aliorum mineralium nos vel successores nostri quovismodo exigere possumus ut eo facilius magnos sumptus in extrahendis praefatis metallis tolerare possit Una cum margaritis vulgo *pearls* ac lapidibus praeciosis quibuscunque aliis lapidinis silvis virgultis mossis marresius lacubus aquis piscationibus tam in aqua salsa quam recenti tam regalium piscium quam aliorum venatione aucupatione commoditatibus et haereditamentis quibuscunque Una cum plenaria potestate privilegio et jurisdictione liberae regalitatis capellae et cancellariae imperpetuum cumque donatione et jure patronatus ecclesiarum capellaniarum et beneficiorum cum tenentibus tenandriis et libere tenentium servitiis earundem Una cum officiis justiciariae et admiralitatis respective infra bondas respective supra mentionat Una etiam cum potestate civitates liberos burgos liberos portus villas et burgos baroniae erigendi ac fora et nundinas infra bondas dict terrarum constituendi curias justiciariae et admiralitatis infra limites dict terrarum fluviorum portuum et marium tenendi una etiam cum potestate imponendi levandi et recipiendi omnia tollonia custumas anchoragia aliasque dict burgorum fororum nundinarum et liberorum portuum devorias et eisdem possidendi et gaudendi adeo libere in omnibus respectibus sicuti quivis baro major aut minor in hoc regno nostro Scotiae gavisus est aut gaudere poterit quovis tempore praeterito vel futuro cum omnibus aliis praerogativis privilegiis immunitatibus dignitatibus casualitatibus proficuis et devoriis ad dictas terras maria et bondas earundem spectan et pertinean et quae nos ipsi dare vel concedere possumus adeo libere et ampla forma sicuti nos aut aliquis nostrorum nobilium progenitorum aliquas cartas patentes literas infeofamenta donationes aut diplomata concesserunt cuivis subdito nostro cujuscunque qualitatis aut gradus cuivis societati aut communitati tales colonias in quascunque partes extraneas deducendi aut terras extraneas investiganti in adeo libera et ampla forma sicuti eadem in hac praesenti carta nostra inaeherentur Facimus etiam constituimus et ordinamus dictum Dominum Willielmum Alexander haeredes suos aut assignatos vel eorum deputatos nostros Haereditarios Locum tenentes generales ad repraesentandum nostram personam regalem tam per mare quam per terram in regionibus maris oris et finibus praedict in petendo dict terras quamdiu illic manserit ac redeundo ab eisdem ad gubernandum regendum puniendum et remittendum omnes nostros

subditos quos ad dictas terras ire aut easdem inhabitare contigerit aut qui negotiationem cum eisdem suscipient vel in eisdem locis remanebunt ac eisdem ignoscendum et ad stabiliendum tales leges statuta constitutiones directiones instructiones formas gubernandi et magistratuum caeremonias infra dictas bondas sicut ipsi Domino Willielmo Alexander aut ejus praedict ad gubernationem dictae regionis et ejusdem incolarum in omnibus causis tam criminalibus quam civilibus visum fuerit et easdem leges regimina formas et caeremonias alterandum et mutandum quoties sibi vel suis praedictis pro bono et comodo dictae regionis placuerit ita ut dictae leges quam legibus hujus regni nostri Scotiae quam fieri possunt sint concordēs Volamus etiam ut in casu rebellionis aut seditionis legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes adeo libere sicuti aliquis locum tenens cujusvis regni nostri vel domini virtute officii locum tenentis habent vel habere possunt excludendo omnes alios officarios hujus regni nostri Scotiae terrestres vel maritimos qui in posterum aliquid jurisclamei commoditatis auctoritatis aut interesse in et ad dictas terras aut provinciam praedict vel aliquam inibi jurisdictionem virtute alicujus praecedentis dispositionis aut diplomatis praetendere possunt Et ut viris honesto loco natis sese ad expeditionem istam subeundam et ad colones plantationem in dictis terris addatur animus nos pro nobis nostrisque haeredibus et successoribus cum avisamento et consensu praedict virtute praesentis cartae nostrae damus et concedimus liberam et plenariam potestatem praefato Domino Willielmo Alexander suisque praedict conferendi favores privilegia munia et honores in demerentes Cum plenaria potestate eisdem aut eorum alicui quos cum ipso Domino Willielmo suisque praedict pactiones vel contractus facere pro eisdem terris contigerit sub subscriptione sua vel suorum praedict et sigillo infra mentionato aliquam portionem vel portiones dictarum terrarum portuum navium stationem fluviorum aut praemissorum alicujus partis disponendi et extradonandi erigendi etiam omnium generum machinas artes facultates vel scientias aut easdem exercendi in toto vel in parte sicuti ei pro bono ipsorum visum fuerit dandi etiam concedendi et attribuendi talia officia titulos jura et potestates constituendi et designandi tales capitaneos officarios balivos gubernatores clericos omnesque alios regalitatis baroniae et burgi officarios aliosque ministros pro administratione justitiae infra bondas dictarum terrarum aut in via dum terras istas per mare petunt et ab eisdem redeunt sicuti ei necessarium videbitur secundum qualitates conditiones et personarum merita quos in aliqua coloniarum dictae provinciae aut aliqua ejusdem parte habitare contigerit aut qui ipsorum bona vel fortunas pro comodo et incremento ejusdem periculo committent et eosdem ab officio removendi alterandi et mutandi prout ei suisque praescript expediens videbitur Et cum hujusmodi conatus non sine magno labore et sumptibus fiunt magnamque pecuniae largitionem requirant adeo ut privati cujusvis fortunas excedant et multorum suppetiis indigeant ob quam causam praefatus Dominus Willielmus Alexander suique praescript cum diversis nostris subditis aliisque pro particularibus

periculationibus et susceptionibus ibidem qui forte cum eo suisque haeredibus assignatis vel deputatis pro terris piscationibus mercimoniis aut populi transportatione cum ipsorum pecoribus rebus et bonis versus dictam Novam Scotiam contractus inibunt volumus ut quicumque tales contractus cum dicto Domino Willielmo suisque praescript sub ipsorum subscriptionibus et sigillis expedient limitando assignando et affigendo diem et locum pro personarum bonorum et rerum ad navem deliberatione sub poena et forisfactura cujusdam monetae summae et eosdem contractus non perficient sed ipsum frustrabunt et in itinere designato ei nocebunt quod non solum dicto Domino Willielmo suisque praedict prout esse prejudicio et nocumento verum etiam nostrae tam laudabili intentioni obstat et detrimentum inferet tunc licitum erit praefato Domino Willielmo Alexander suisque praedict vel eorum deputatis et conservatoribus inframentationis in eo casu sibi suisve praedict quos ad hunc effectum substituet omnes tales summas monetae bona et res forisfactas per talium contractuum violationem assumere Quod ut facilius fiat et legum prolixitas evitetur dedimus et concessimus tenoreque praesentis cartae nostrae damus et concedimus plenariam licentiam libertatem et potestatem nostri concilii dominis ut eos in ordinem redigant et talium contractuum velfoederum violatores pro transportatione populorum fact puniant Et licet omnes tales contractus inter dictum Dominum Willielmum suosque praedict et praedictos periclitatores per periculationem et transportationem populorum cum ipsorum bonis et rebus ad statutum diem perficientur et ipsi cum suis omnibus pecoribus et bonis ad littus illius provinciae animo coloniam ducendi et remanendi appellent et nihilominus postea vol omnino provinciam Novae Scotiae et ejusdem confinia sine licentia dicti Domini Willielmi ejusque praedict vel eorum deputatorum vel societatem et coloniam praedict ubi primum combinati et conjuncti fuerant derelinquent et ad agrestes aborigines in locis remotis et desertis ad habitandum sese conferent quod tunc amittent et forisfacient omnes terras prius iis concess omnia etiam bona infra omnes praedictas bondas et licitum erit praedicto Domino Willielmo suisque praedict eadem fisco applicare et easdem terras recognoscere eademque omnia ad ipsos vel eorum aliquem quovismodo spectantia possidere et suo peculiari usui suorumque praedict convertere Et ut omnes dilecti nostri subditi tam regnorum nostrorum et dominiorum quam alii extranei quos ad dictas terras aut aliquam earundem partem ad mercimonia contrahenda navigare contigerit melius sciant et obedientes sint potestati et authoritati per nos in praedictum fidelem nostrum consiliarum Dominum Willielmum Alexander suosque praedict collatae in omnibus talibus commissionibus warrantis et contractibus quos quovis tempore futuro faciet concedet et constituet pro decentiori et validiori constitutione officiariorum pro gubernatione dictos colonos concessione terrarum et executione justitiae dictos inhabitantes periclitantes deputatos factores vel assignatos tangen in aliqua dictarum terrarum parte vel in navigatione ad easdem terras nos cum avisamento et consensu praedicto ordinamus quod dictus Dominus Willielmus Alexander suiique praedict unum commune sigillum habebunt ad officium

Locum tenentis justiciariae et admiralitatis spectan quod per dictum Dominum Willielmum Alexander suosque praedict vel per deputatos suos omni tempore futuro custodietur in cujus unolatero nostra insignia insculpentur cum his verbis in ejusdem circulo et margine **SIGILLUM REGIS SCOTIE ANGLIE FRANCIE ET HYBERNIE** et in altero latere imago nostra nostrorumque successorum cum his verbis (**PRO NOVE SCOTIE LOCUM TENENTE**) cujus justum exemplar in manibus ac custodia dicti conservatoris remanebit quo prout occasio requiret in officio suo utatur Et cum maxime necessarium sit ut omnes dilecti nostri subditi quotquot dictam provinciam Novae Scotiae vel ejus confinia incolent in timore omnipotentis Dei et vero ejus cultu simul vivant omni conamine intentus Christianam religionem inibi stabilire pacem etiam et quietem cum nativis incolis et agrestibus indigenis earum terrarum colere (unde ipsi et eorum quilibet mercimonia ibi exercentes tuti cum oblectamento ea quae magno cum labore et periculo acquisiverunt quiete possidere possint) nos pro nobis nostrisque haeredibus et successoribus volumus nobisque visum est per praesentis cartae nostrae tenorem dare et concedere dicto Domino Willielmo Alexander suisque praedict et eorum deputatis vel aliquibus aliis gubernatoribus officiariis et ministris quos ipsi constituent liberam et absolutam potestatem tractandi et pacem affinitatem amicitiam et mutua colloquia operam et communicationem cum silvestris illis aboriginibus et eorum principibus vel quibuscunque aliis regimen et potestatem in ipsos habentibus contrahendi observandi et alendi tales affinitates et colloquia quae ipsi vel sui praedict cum iis contrahent modo foedera illa ex adversa parte per ipsos silvestres fideliter observentur quod nisi fiat arma contra ipsos sumendi quibus redigi possunt in ordinem sicuti dicto Domino Willielmo suisque praedict et deputatis pro honore obedientia et Dei servitio ac stabilimento defensione et conservatione autoritatis nostrae inter ipsos expediens videbitur Cum potestate etiam praedicto Domino Willielmo Alexander suisque praedict per ipsos vel eorum deputatos substitutos vel assignatos pro ipsorum defensione tutela omni tempore et omnibus justis occasionibus in posterum aggrediendi ex inopinato invadendi expellendi et armis repellendi tam per mare quam per terram omnibus modis omnes et singulos qui sine speciali licentia dicti Domini Willielmi suorumque praedict terras inhabitare aut mercaturam facere in dicta Novae Scotiae provincia aut quavis ejusdem parte conabuntur et similiter omnes alios quoscunque qui aliquid damni detrimenti destructionis laesionis vel invasionis contra provinciam illam aut ejusdem incolae inferre praesumunt quod ut facilius fiat licitum erit dicto Domino Willielmo suisque praedict eorum deputatis factoribus et assignatis contributiones a periclitantibus et incolis ejusdem levare in unum cogere per proclamationes vel quovis alio ordine talibus temporibus sicuti dicto Domino Willielmo suisque praedict expediens videbitur omnes nostros subditos infra dictas limites dictae provinciae Novae Scotiae inhabitantes et mercimonia ibidem exercentes convocare pro meliori exercituum necessariorum supplemento et populi et plantationis dictarum terrarum augmentatione et incremento Cum plenaria potestate pri-

vilegio et libertate dicti Domini Willielmi Alexander suisque praedicti per ipsos vel eorum substitutos per quaecumque maria sub nostris insigniis et vexillis navigandi cum tot navibus tanti oneris et tam bene munitione viris et victualibus instructis sicuti possunt parare quovis tempore et quoties iis videbitur expediens ac omnes cujuscunque qualitatis et gradus personas nostri subditi existentes aut qui imperio nostro sese subdere ad iter illud suscipiendum voluerint cum ipsorum jumentis equis bobus ovibus bonis et rebus omnibus munitionibus machinis majoribus armis et instrumentis militaribus quotquot voluerint aliisque commoditatibus et rebus necessariis pro usu ejusdem coloniae mutuo commercio cum nativis inhabitantibus earum provinciarum aut aliis qui cum ipsis plantatoribus mercimonia contrahent transportandi et omnes commoditates et mercimonia quae iis videbuntur necessaria in regnum nostrum Scotiae sine alicujus taxationis custumae aut impositionis pro eisdem solutione nobis vel nostris custumariis aut eorum deputatis inde portandi eosdemque ab eorum officiis in hac parte pro spatio septem annorum diem datae praesentis cartae nostrae immediate sequen inhibendo quamquidem solam commoditatem per spatium tredecim annorum in posterum libere concessimus tenoreque praesentis cartae nostrae concedimus et disponimus dicto Domino Willielmo suisque praedicti secundum proportionem quinque pro centum postea mentionat Et post tredecim illos annos licitum erit nobis nostrisque successoribus ex omnibus bonis et mercimoniis quae ex hoc regno nostro Scotiae ad eandem provinciam vel ex ea provincia ad dictum regnum nostrum Scotiae exportabuntur vel importabuntur in quibusvis hujus regni nostri portibus per dictum Dominum Willielmum suosque praedicti tantum quinque libras pro centum secundum antiquam negotiandi morem sine ulla alia impositione taxatione custuma vel devoria ab ipsis imperpetuum levare et exigere quaequidem summa quinque librarum pro centum sic soluta per dictum Dominum Willielmum suosque praedicti aliisque nostris officiariis ad hunc effectum constitutis exinde licitum erit dicto Domino Willielmo suisque praedicti eadem bona de hoc regno nostro Scotiae in quasvis alias partes vel regiones extraneas sine alicujus alterius custumae taxationis vel devoriae solutione nobis vel nostris haeredibus aut successoribus aut aliquibus aliis transportare et avehere proviso tamen quod dicta bona infra spatium tredecim mensium post ipsarum in quovis hujus regni nostri portu appulsionem navi rursus imponantur Dan et conceden absolutam et plenariam potestatem dicto Domino Willielmo suisque praedicti ab omnibus nostris subditis qui colonias ducere mercimonia exercere aut ad easdem terras Novae Scotiae et ab eisdem navigare voluerint praeter dictam summam nobis debitam pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotiae ad provinciam Novae Scotiae vel importationis a dicta provincia ad regnum hoc nostrum Scotiae praedicti in ipsius ejusque praedicti proprios usus sumendi levandi et recipiendi et similiter de omnibus bonis et mercimoniis quae per nostros subditos coloniarum ductores negotiatores et navigatores de dicta

provincia Novae Scotiae ad quaevis nostra dominia aut alia quaevis loca exportabuntur vel a nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur ultra et supra dictam summam nobis destinatae quinque libras de centum Et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia existentium quae vel de provincia Novae Scotiae exportabuntur vel ad eandem importabuntur ultra et supra dictam summam nobis destinatae decem libras de centum dicti Domini Willielmi suorumque praedict propriis usibus per tales ministros officarios vel substitutos eorumve deputatos aut factores quos ipsi ad hunc effectum constituent et designabunt levandi sumendi ac recipiendi Et pro meliori dicti Domini Willielmi suorumque praedict aliorumque omnium nostrorum dilectorum subditorum qui dictam Novam Scotiam inhabitare vel ibidem mercimonia exercere voluerint securitate et commoditate et generaliter omnium aliorum qui nostrae auctoritati et potestati sese subdere non gravabuntur nobis visum est volumusque quod licitum erit dicto Domino Willielmo suisque praedictis unum aut plura munimina propugnacula castella loca fortia specula armamentaria *lie blokhoussis* aliaque aedificia cum portubus et navium stationibus aedificare vel aedificari causare una cum navibus bellicis easdemque pro defensione dictorum locorum applicare sicut dicto domino Willielmo suisque praedict pro dicto conamine perficiendo necessarium videbitur proque ipsorum defensione militum catervas ibidem stabilire praeter praedicta supramentionata et generaliter omnia facere quae pro conquista augmentatione populi inhabitatione praeservatione et gubernatione dictae Novae Scotiae ejusdemque orarum et territorii infra omnes hujusmodi limites pertinentias et dependentias sub nostro nomine et auctoritate quodcumque nos si personaliter essemus praesentes facere potuimus licet casus specialem et strictum magis ordinem quam per praesentes praescribitur requirat cui mandato volumus et ordinamus strictissimeque praecipimus omnibus nostris justiciariis officariis et subditis ad loca illa sese conferentibus ut sese applicent dictoque Domino Willielmo suisque praedictis in omnibus et singulis supra mentionatis earum substantiis et circumstantiis intendant et obediant eis in earum executione in omnibus adeo sint obedientes ut nobis cujus personam representat esse deberent sub poena disobedientiae et rebellionis Declaramus insuper per praesentis cartae nostrae tenorem omnibus Christianis regibus principibus et statibus quod si aliquis vel aliqui qui in posterum de dictis coloniis vel de earum aliqua sit in dicta provincia Novae Scotiae vel aliqui alii sub eorum licentia vel mandato quovis tempore futuro piraticam exercentes per mare vel terram bona alicujus abstulerint vel aliquod injustum vel indebitum hostiliter intra aliquos nostros nostrorumve haerendum et successorum aut aliorum regum principum gubernatorum aut statuum in foedere nobiscum existen subditos quod tali injuria sic oblata aut justa querela desuper mota per aliquem regem principem gubernatorem statum vel eorum subditos praedict nos nostri haeredes et successores publicas proclamationes fieri curabimus in aliqua parte dicti regni nostri Scotiae ad hunc effectum magis commoda ut dict

pirata vel piratae qui tales rapinas committent stato tempore per praefatas proclamationes limitando plenarie restituant quaecunque bona sic oblato et pro dictis injuriis omnimodo satisfaciant ita ut dicti principes alique sic conquaerentes satisfactos se esse repetent et quod si talia facinora committent bona oblata non restituent aut restitui faciant infra limitatum tempus quod tunc in posterum sub nostra protectione et tutela minime erunt et quod licitum erit omnibus principibus aliisque praedict delinquentes eos hostiliter prosequi et invadere Et licet neminem nobilem aut generosum de patria hac sine licentia nostra decedere statutum sit nihilominus volumus quod praesens hoc diploma sufficiens erit licentia et warrantum omnibus qui se huic itineri committent qui laesaemajestatis non sunt rei vel aliquo alio speciali mandato inhibiti atque etiam per praesentis cartae nostrae tenorem declaramus volumusque quod nemo patria hac decedere permittatur versus dictam Novam Scotiam nullo tempore nisi ii qui juramentum suprematatis nostrae primum susceperint ad quem effectum nos per praesentes dicto Domino Willielmo suisque praedict vel eorum conservatori vel deputatis idem hoc juramentum omnibus personis versus illas terras in ea colonia sese conferentibus requirere et exhibere plenariam potestatem et auctoritatem damus et concedimus Praeterea nos cum avisamento et consensu antedict pro nobis et successoribus nostris declaramus decernimus et ordinamus quod omnes nostri subditi qui ad dictam Novam Scotiam proficiscentur aut eam incolent eorumque omnes liberi et posteritas qui ibi nasci contigerit alique omnes ibidem periclitantes habebunt et possidebunt omnes libertates immunitates et privilegia liberorum et naturalium subditorum regni nostri Scotiae aut aliorum nostrorum dominiorum sicuti ibidem nati fuissent Insuper nos pro nobis et successoribus nostris damus et concedimus dicto Domino Willielmo Alexander suisque praedict liberam potestatem stabiliendi et cudere causandi monetam pro commercio liberiori inhabitantium dictae provinciae cujusvis metalli quo modo et qua forma voluerint et eisdem praescribent atque etiam si quae quaestiones aut dubia super interpretatione aut constructione alicujus clausulae in hac praesenti carta nostra contentae occurrent ea omnia sumuntur et interpretabuntur in amplissima forma et in favorem dicti Domini Willielmi suorumque praedict Praeterea nos ex nostra certa scientia proprio motu auctoritate regali et potestate regia fecimus univimus annexavimus ereximus creavimus et incorporavimus tenoreque praesentis cartae nostrae facimus unimus annexamus erigimus creamus et incorporamus totam et integram praedictam provinciam et terras Novae Scotiae cum omnibus earundem limitibus et maribus ac mineralibus auri et argenti plumbi cupri chalibis stanni aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapidinis silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis portubus liberis burgis urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionatis

in unum integrum et liberum Dominium et Baroniam per praedict nomen NOVAE SCOTIAE omni tempore futuro appellandum Volumusque et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod unica sasina nunc per dictum Dominum Willielmum suosque praedict omni tempore affuturo super aliqua parte fundi dict terrarum et provinciae praescript stabit et sufficiens erit sasina pro tota regione cum omnibus partibus pendiculis privilegiis casualitatibus libertatibus et immunitatibus ejusdem supramentionatis absque aliqua alia speciali et particulari sasina per ipsum suosve praedict apud aliquam aliam partem vel ejusdem locum capienda penes quam sasinam omniaque quae inde secuta sunt aut sequi possunt nos cum avisamento et consensu supra expresso pro nobis et successoribus nostris dispensavimus tenoreque praesentis cartae nostrae modo subtus mentionat dispensamus in perpetuum TENEN et HABEN totam et integram dictam regionem et dominium Novae Scotiae cum omnibus ejusdem limitibus infra praedicta maria mineralibus auri et argenti cupri chalibis stanni plumbi aeris ferri aliisque quibuscunque fodinis margaritis lapidibus praeciosis lapicidinibus silvis virgultis mossis marresiis lacubus aquis piscationibus tam in aquis dulcibus quam salsis tam regalium piscium quam aliorum civitatibus liberis burgis liberis portubus urbibus baroniae burgis maris portubus anchoragiis machinis molendinis officiis et jurisdictionibus omnibusque aliis generaliter et particulariter supra mentionat cumque omnibus aliis privilegiis libertatibus immunitatibus casualitatibus aliisque supra expressis praefato Domino Willielmo Alexander haeredibus suis et assignatis de nobis nostrisque successoribus in foedo haereditate libero dominio libera baronia et regalitate imperpetuum per omnes rectas metas et limites suas prout jacent in longitudine et latitudine in domibus aedificiis aedificatis et aedificandis boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis et pascuis molendinis multuris et eorum sequelis aucupationibus venationibus piscationibus petariis turbariis carbonibus carbonariis cuniculis cuniculariis columbis columbariis fabrilibus brasinis brueriis et genistis silvis nemoribus et virgultis lignis tignis lapicidiis lapide et calce cum curiis bludewitis placitis haerezeldis amerciamentis et mulierum marchetis cum libero introitu et exitu ac cum furca fossa sok sac thole thame infangtheiff outfangtheiff wrak wair veth vert vennesoun pitt et gallows ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis asiamentis ac justis suis pertinentiis quibuscunque tam non nominat quam nominat tam subtus terra quam supra terram procul et prope ad praedict regionem et dominium spectan seu juste spectare valen quomodolibet in futurum libere quiete plenarie integre honorifice bene et in pace absque ulla revocatione contradictione impedimento aut obstaculo quocunque Solvendo inde annuatim dictus Dominus Willielmus Alexander suique praedict nobis nostrisque haeredibus et successoribus unum denarium monetae Scotiae super fundum dict terrarum et provinciae Novae Scotiae ad festum Nativitatis Christi nomine albae firmae si petatur tantum Et quia tentione dict terrarum et provinciae Novae Scotiae et alba firma supradict

deficiente tempestivo et legitimo introitu cujusvis haeredis vel haeredum dicti Domini Willielmi sibi succeden quod difficulter per ipsos praestari potest ob longinquam distantiam ab hoc regno nostro eadem terrae et provinciae ratione non introitus in manibus nostris nostrorumve successorum devenient usque ad legitimum legitimi haeredis introitum et nos nolentes dictas terras et regionem quovis tempore in non-introitu cadere neque dictum Dominum Willielmum suosque praedict beneficiis et proficuis ejusdem eatenus frustrari idcirco nos cum avisamento praedict cum dicto introitu quandocunque contigerit dispensavimus tenoreque ejusdem cartae nostrae pro nobis et successoribus nostris dispensamus ac etiam renunciavimus et exoneravimus tenoreque praesentis cartae nostrae cum consensu praedicto renunciamus et exoneramus dictum Dominum Willielmum ejusque praescript praefatum non-introitum dictae provinciae et regionis quandocunque in manibus nostris deveniet aut ratione non-introitus cadet cum omnibus quae desuper sequi possunt proviso tamen quod dictus Dominus Willielmus suiique haeredes et assignati infra spatium septem annorum post decessum et obitum suorum praedecessorum aut introitum ad possessionem dict terrarum aliorumque praedict per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant et dictas terras dominium et baroniam aliaque praedict adeant et per nos recipiantur secundum leges et statuta dicti regni nostri Scotiae in quoquidem casu haeredes et assignati dicti Domini Willielmi Alexander non obstan praedicto non-introitu gaudebunt et possidebunt omnes et singulas praedictas terras regionem et dominium Novae Scotiae cum omnibus et singulis proficuis commoditatibus beneficiis privilegiis et libertatibus earund ac si dictus non-introitus non fuisset vel ac si in non-introitum nunquam cecidissent Quaequidem terrae regio et dominium Novae Scotiae tam terra firma quam insulae infra omnes et singulas dictas bondas et maria earund cum silvis piscationibus tam in aquis salsis quam dulcibus tam piscium regalium quam aliorum cum margaritis praeciosis lapidibus venis mineralibus regiis auri et argenti aliis mineralibus ferri chalybis plumbi cupri aeris stanni orichalci aliisque quibuscunque ac omnibus privilegiis libertatibus immunitatibus praerogativis officiis et jurisdictionibus aliisque specialiter et generaliter supra-recitat perprius ad dict Dominum Willielmum Alexander suosque haeredes et assignatos pertinuerunt et per ipsum suosque procuratores suo nomine in manibus nostris debite et legitime resignatae fuerunt et hoc pro novo nostro haereditario infeofamento earund in favorem dicti Domini Willielmi suorumve haeredum et assignatorum praedict in debita et competenti forma ut congruit concedend tenend ut dictum est cum dispensatione non introitus modo prescripto cum contigerit Insuper nos cum avisamento praescripto pro bono fidei et gratuito servitio nobis per dictum Dominum Willielmum Alexander praestito et impenso et respectu habito magnarum et multarum expensarum et sumptuum conferend et impendend in plantatione dict bondarum domini et regionis Novae Scotiae et earund sub nostra obedientia reductione aliisque gravibus et causis onerosis De Novo Dedimus con-

cessimus et disposuimus tenoreque praesentis cartae nostrae Damus concedimus et disponimus praefato Domino Willielmo Alexander suisque haeredibus et assignatis haereditariae Omnes et singulas praedictas terras dominium et regionem Novae Scotiae una cum omnibus et singulis castellis turribus fortaliciis manerium locis domibus aedificiis exstructis et extruendis hortis pomariis plantatis et plantandis toftis croftis pratis pascuis silvis virgultis molendinis multuris terris molendinariis piscationibus tam rubrorum quam aliorum piscium salmonum piscium tam magnorum quam minutorum tam in aquis salsis quam dulcibus una cum omnibus et singulis decimis garbalibus earundem inclusis tam magnis quam minutis cum advocatione donatione beneficiorum ecclesiarum et capellaniarum et juribus patronatum earund annexis connexis dependentiis tenentibus tenandriis et libere tenentium servitiis earund Una cum omnibus et singulis praeciosis lapidibus gemmis cristallo alumine corallio et aliis cum omnibus et singulis mineralibus venis et lapidiciis earund tam metallorum et mineralium regalium et regionum auri et argenti infra dictas bondas et dominium Novae Scotiae quam aliorum mineralium ferri chalybis stanni plumbi cupri aeris orichalci aliorumque mineralium quorumcunque cum omnibus et singulis partibus pendiculis pertinentiis privilegiis libertatibus et immunitatibus omnium et singularum praedictarum terrarum domini et regionis Novae Scotiae cum plena potestate et privilegio dicto Domino Willielmo Alexander haeredibus suis et assignatis tentandi et investigandi fodiendi et scrutandi fundum pro eisdem et extrahendi eadem purgandi repurgandi et purificandi eadem utendi convertendi ac suis propriis usibus applicandi (reservata solummodo nobis nostrisque successoribus decima parte regalium metallorum vulgo appellat *The ore* auri et argenti inveniend et extrahend in posterum de dictis terris et regione) et reliqua dict metallorum mineralium praeciosorum lapidum gemmarum ac aliorum quorumcunque dicto Domino Willielmo Alexander suisque haeredibus et assignatis pertinebunt cum ipsis perpetuo remanend eorumque propriis usibus convertend cum omnibus proficuis et devoriis earund Cum potestate dicto Domino Willielmo Alexander suisque haeredibus et assignatis condendi extruendi et erigendi in et infra omnes bondas dictae regionis sicuti iis videbitur expediens civitates liberos burgos baroniae villas villulas sinus portus stationes navium et designandi nundinas et macella tam in villis quam extra et imponendi levandi et recipiendi omnes et quascunque tolontias custumas anchoragia aliasque devorias earundem civitatum burgorum baroniae villarum villularum nundinarum macellorum liberorum portuum sinuum navium stationum cum omnibus et singulis casualitatibus proficuis et devoriis quibuscunque easdem civitates et burgos adornandi tam infra burgos quam extra cum sufficientibus et habilibus magistratibus pacis justiciariis praepositis balivis senioribus constabulariis aliisque officiariis civibus burgensibus liberis et manufactoribus artificibus omnium generum cum decanis ipsorum aliisque ad hoc requisitis Cum plenaria potestate privilegio et libertate iis eorumve liberis civibus et burgensibus vendendi vinum et ceram salmones haleces aliaque stapuli

bona et mercimonia tam magna quam minuta Et extruendi ecclesias capellas xenodochia *lie hospitallis and maisoun dieues* cruces forales campanilia campanas aliaque omnia ornamenta ordinaria eisdem spectantia et plantandi et sufficienter providendi easdem ecclesias cum sufficientibus doctoribus praedicatoribus pastoribus et ministris Et similiter erigendi fundandi et extruendi scholas triviales collegia et universitates sufficienter provisas cum habilibus et sufficientibus magistris rectoribus regentibus professoribus omnium scientiarum literarum linguarum et sermonum et providendi pro sufficiente alimento stipendiis et victu pro eisdem ad hunc effectum ac etiam erigendi praelatos archiepiscopos episcopos rectores et vicarios parochiarum et ecclesiarum parochialium et distribuendi et dividendi omnes praedict bondas dict regionis in diversis et distinctis vicecomitatibus provinciis et parochiis pro meliori provisione ecclesiarum et ministerii divisione vicecomitatum et omni alia civili politia Et similiter fundandi erigendi et instituendi senatum justitiae loca et justitiae collegia consilii et sessionis senatores earundem membra pro justitiae administratione infra dictam regionem aliaque justitiae et judicaturae loca Praeterea erigendi et designandi tam secreta et privata consilia et sessiones pro publico bono et commodo dictae regionis et dand et concedend titulos honores et dignitates membris earundem et creand clericos et earundem membra et designand sigilla et registra cum ipsorum custodibus Et etiam erigendi et instituendi officarios status cancellarium thesaurarium computorum rotulorem collectorem secretarium advocatum vel actornatum generalem clericum vel clericos registri et rotulorum custodes justitiae clericum directorem vel directores cancellariae conservatorem vel conservatores privilegiorum dictae regionis advocatos procuratores causarumque patronos earundemque sollicitatores et agentes aliaque membra necessaria Et similiter convocandi congregandi et constituendi conventiones et congregationes ecclesiasticorum praelatorum tam generales speciales vel provinciales conventiones quam alias pro politia et disciplina ecclesiastica et authorizandi ratificandi et confirmandi easdem conventiones consilia et congregationes cum actis statutis et decretis inibi conclusis pro eorundem meliori autoritate Praeterea fecimus constituimus et ordinavimus tenoreque praesentis cartae nostrae facimus constituimus et ordinamus dictum Dominum Willielmum Alexander suosque haeredes et assignatos nostros nostrorumve haeredum et successorum LOCUM TENENTES generales ad repraesentandum nostram regalem personam tam per mare quam terram totius et integrae dictae regionis et dominii Novae Scotiae tam durante spatio quo ibi remanebit quam in itinere ipsius vel eorum ad dictam regionem vel ab eadem et post ipsorum reditum continuo sine intervallo temporis aut loci excludendo omnes alios vel per mare vel per terram ab usurpatione hujus contrarii vel ab acclamatione alicujus juris beneficii autoritatis et interesse infra dictas bondas et dominium Novae Scotiae vel alicujus judicaturae aut jurisdictionis eatenus virtute alicujus praecedentis aut subsequentis juris aut tituli cujuscunque Et cum speciali potestate dicto Domino Willielmo Alex-

ander suisque praedictis gubernandi regendi puniendi et condonandi omnes nostros subditos aliosque dict bondarum et regionis Novae Scotiae inhabitantes aut ibi proficiscientes pacis aut legum transgressores ac faciendi sanciendo et stabiliendi ibidem leges tam civiles quam criminales cum legibus justiciariae admiralitatis senescallatus regalitatis et vicecomitatus pro eorum bene placito modo eadem leges tam conformes sint legibus Scotiae quam convenienter fieri potest respectu habito circumstantiarum loci regionis personarum et qualitarum earundem Et similiter designandi gubernatores imperatores et ductores omnium et singularum praedictarum civitatum burgorum portuum navium stationum et sinuum et capitaneos etiam castrorum fortaliorum et propugnaculorum tam per mare et prope littus quam per terram bene et sufficienter muniti instructi et fortificati militum turmis et copiis pro manutentione defensione et praeservatione earundem et repulsione omnium tam domesticarum quam extraneorum invasionum earund et convocandi congregandi et convenire faciendi omnes inhabitantes dictae regionis ad effectum praescriptum omnibus occasionibus necessariis ac pro repulsione et resistantia omnium aliarum virium et violentiarum quarumcunque Et pro meliori fortificatione dicti domini et regionis Novae Scotiae cum potestate dicto domino Willielmo Alexander suisque praedict transportandi de dicto regno aliisve bondis convenientibus omnia genera munitionis magna et minuta tormenta maiora media vulgo *cannonis demi-cannonis zettingis falconis* aeris et ferri sclopetos atque alia instrumenta et belli machinas cum sclopetis minoribus vulgo *muskettis hagbuttis half-haggis* bombardis vulgo *pistolettis* pulvere globulis aliisque necessariis victualibus et armis tam offensivis quam defensivis et gerendi et utendi talibus armis tam infra dictam regionem Novae Scotiae quam in eorum transitu et cursu vel ad easdem terras vel ab eis cum eorum comitibus sociis et dependentibus Nos etiam cum avisamento praedicto fecimus constituimus et ordinavimus tenoreque praesentis cartae nostrae facimus constituimus et ordinamus dictum Dominum Willielmum Alexander suosque haeredes et assignatos haereditarie nostros JUSTICIARIOS GENERALES in omnibus causis criminalibus infra dictam regionem et dominium Novae Scotiae MAGNUM ADMIRALLUM et DOMINUM REGALITATIS et ADMIRALITATIS infra dictam regionem Haereditarios etiam SENESCALLOS ejusdem omniumque et singularum regalitatum hujusmodi cum potestate sibi suisque haeredibus et assignatis utendi exercendi et gaudendi omnibus et singulis praefatis jurisdictionibus judicaturis et officiis cum omnibus et singulis privilegiis praerogativis immunitatibus et casualitatibus earund similiter et adeo libere quam aliquis alius justiciarius vel justiciarii generales senescalli admiralli vicecomites aut domini regalitatis habuerunt vel habere possunt aut possidere et gaudere iisdem jurisdictionibus judicaturis officiis dignitatibus et praerogativis in aliquibus nostris regnis bondis et dominiis nostris quibuscunque Cum potestate dicto Domino Willielmo Alexander suisque haeredibus et assignatis constituendi erigendi nominandi et creandi clericos officarios serjandos adjudicatores omniaque alia curiae

membra omnium et singularum praefatarum judicaturarum et jurisdictionum respective cum omnibus feodis devoriis et casualitatibus eisd spectan prout iis videbitur expediens sine praepjudicio omnimodo omnium aliorum infeofamentorum jurium vel dispositionum per nos nostrosve praedecessores cuicunque personae vel quibuscunque personis qui participes sunt vel erunt dictae plantationis Novae Scotiae proceden supra resignationem dicti Domini Willielmi Alexander solummodo et non aliter de quibuscunque partibus aut portionibus dictae regionis et dominii Novae Scotiae cum privilegiis et immunitatibus in ipsorum infeofamenti mentionat Et quum ratione longi intervalli et distantiae dictae regionis et dominii Novae Scotiae a dicto antiquo regno nostro Scotiae et quod eadem regio neque facile neque commode nisi aestatis tempore peti potest quodque eadem regio publicis tabellionibus et notariis requisitis pro sasinis sumendis omnino est destituta adeo ut sasina commode super fundum dictae regionis omnibus temporibus capi non potest atque etiam respectu habito magnorum et multifariorum in commodorum quae cadere possunt in defectu tempestivae sasinae sumendae super hoc praesens diploma et super alias cartas et similia infeofamenta concess et concedend de praedictis terris et dominio Novae Scotiae vel aliqua earundem parte igitur ut praesens haec nostra carta magis sit efficax et ut sasina desuper magis commode capi possit necessarium est ut sasina sumatur omnium et singularum praedictarum terrarum dictae regionis et dominii Novae Scotiae infra dictum regnum nostrum Scotiae et super funda et terras ejusd in magis eminente ejusd loco quod nec convenienter nec legitime fieri potest sine expressa unione dictae regionis et dominii Novae Scotiae dicto regno Scotiae quocirca et pro faciliiori commodo et convenientia antedictae sasinae nos cum avisamento praedicto annexavimus univimus et incorporavimus tenoreque praesentis cartae nostrae unum annexamus et incorporamus dicto regno nostro Scotiae totam et integram praedictam regionem et dominium Novae Scotiae cum decimis et decimis garbalibus earund inclusis et omnibus et singulis partibus pertinentiis privilegiis jurisdictionibus et libertatibus earundem aliisque generaliter et specialiter supra mentionat Et per praesentis cartae nostrae tenorem volumus declaramus decernimus et ordinamus quod unica sasina nunc capienda apud castellum nostrum de Edinburt tanquam maxime eminentem et principalem locum dicti regni nostri Scotiae de omnibus et singulis dictis terris regione et dominii Novae Scotiae vel aliqua earund parte cum decimis et decimis garbalibus earund respective inclusis est et erit sufficiens sasina pro totis et integris praedictis terris regione et dominio Novae Scotiae cum decimis et decimis garbalibus earund inclusis vel aliqua earund parte terrarum et regionis praescript et omnibus privilegiis jurisdictionibus et libertatibus ejusd respective aliisque specialiter et generaliter supramentionat non obstante quod eadem terrae regio et dominium Novae Scotiae longe distet et discontigue jaceat a dicto regno nostro Scotiae penes quod nos cum avisamento et consensu praedicto dispensavimus tenoreque praesentis cartae nostrae dispensamus imperpetuum sine praepjudicio et dero-

gatione omnimodo dicti privilegii et praerogativi praefato Domino Willielmo Alexander suisque haeredibus et assignatis concess pro confectione et stabilamento legum actorum et constitutionum omnium et singularum praedictarum regionis et domini Novae Scotiae tam per mare quam per terram Et per praesentis cartae nostrae tenorem declaramus quod non obstante dicta unione (quae concedi solummodo declaratur pro commoditate et convenientia sasinae) eadem regio et dominium Novae Scotiae judicabitur rogetur et gubernabitur per leges et constitutiones fact fieri constituend et stabiliend per dictum dominum Willielmum Alexander suosque haeredes et assignatos spectan ad dictam regionem et dominium Novae Scotiae similiter et adeo libere in eo respectu sicuti eadem unio nunquam fuisset facta nec eatenus concessa Et praeterea non obstante praedicta unione licitum erit praedicto Domino Willielmo Alexander suisque haeredibus et assignatis dare concedere et disponere aliquas partes vel portiones dictarum regionis et domini Novae Scotiae iis hereditarie spectan ad et in favorem quarumcunque personarum eorum haeredum et assignatorum haereditarie cum decimis et decimis garbalibus earund inclusis (modo nostri sint subditi) tenend de dicto Domino Willielmo Alexander vel de nobis et nostris successoribus vel in alba firma fuedifirma vel warda et relevio pro eorum beneplacito et intitulare et denominare easdem partes et portiones quibuscunque stilibus titulis et designationibus iis visum fuerit aut in libito et optione dicti Domini Willielmi suorumque praedictorum quaequidem infeofamenta et dispositiones per nos nostrosve successores libere sine aliqua compositione propterea solvend approbabitur et confirmabitur Insuper nos nostrique successores quascunque resignationes per dictum dominum Willielmum Alexander suosque haeredes et assignatos fiendos de totis et integris praefatis terris et dominio Novae Scotiae vel alicujus earund partis in manibus nostris nostrorumque successorum et commissionariorum praedictarum cum decimis et decimis garbalibus earund inclusis aliisque generaliter et specialiter supra mentionat recipimus ad et in favorem cujuscunque personae aut quarumcunque personarum (modo nostri sint subditi et sub nostra obedientia vivant) et desuper infeofamenta expedient tenend in libera alba firma de nobis haeredibus et successoribus nostris modo supra mentionat libere sine ulla compositione **QUAEQUIDEM** terrae regio et dominium Novae Scotiae cum decimis garbalibus earund inclusis omnesque et singulae partes pendicula et pertinentiae privilegia jurisdictiones praerogativae et libertates earund aliaque specialiter et generaliter supra mentionat una cum omni jure titulo interesse jurisclameo tam petitorio quam possessorio quae nos nostrive praedecessores aut successores habuimus habemus vel quovismodo habere clamare aut praetendere potuimus ad easdem vel aliquam earund partem aut ad census firmas proficuas et devorias earundem de quibuscunque annis aut terminis praeteritis pro quacunque causa vel occasione nos cum avisamento praedictarum prorationibus supra mentionatis **DE NOVO** damus concedimus et disposuimus praedicto Domino Willielmo Alexander suisque haeredibus et assignatis haereditarie imperpetuum

renunciando et exonerando iisdem simpliciter cum omni actione et instantia eatenus competenti ad et in favorem dicti Domini Willielmi Alexander suorumque haeredum et assignatorum tam pro non solutione devoriarum in ipsorum originalibus infeofamentis content quam pro non praestatione debiti homagii eisdem conformiter aut pro non perimplatione alicujus puncti dicti originalis infeofamenti aut pro commissione alicujus cul-pae aut facti omissionis vel commissionis iisdem praejudicabili et unde idem originale infeofamentum legitime impugnari aut in quaestionem duci in posterum quovismodoq possit acquietando et remittendo iisdem simpliciter cum omni titulo actione instantia et interesse eatenus competenti aut quae nobis nostrisque haeredibus et successoribus com-petere potest renunciando iisdem simpliciter jure lite et causa cum pacto de non petendo ac cum supplemento omnium defectuum tam non nominat quam nominat quae nos tan-quam pro expressis in hac praesenti carta nostra haberi volumus tenend in libera alba firma ut dictum est et dispensando cum non-introitu quandocunque contigerit modo praedicto Insuper nos pro nobis et successoribus nostris cum avisamento praedicto damus concedimus et committimus potestatem dicto Domino Willielmo Alexander suis-que haeredibus et assignatis habendi et legitime stabiliendi et cudere causandi monetam currentem in dict regione et dominio Novae Scotiae et inter inhabitantes ejusd pro faci-liori commercii et pactionum cominodo talis metalli formae et modi sicuti ipsi designa-bunt aut constituent et ad hunc effectum damus concedimus et committimus iis eorumve haeredibus et assignatis dictae regionis Locum tenentibus privilegia monetam cudendi cum instrumentis ferreis et officiariis ad hunc effectum necessariis Praeterea nos pro nobis et successoribus nostris cum avisamento praedicto dedimus concessimus ratifica-vimus et confirmavimus ac per praesentis cartae nostrae tenorem damus concedimus ratificamus et confirmamus dicto Domino Willielmo Alexander suisque haeredibus et assignatis omnia loca privilegia praerogativas praeceminentias et praecedentias quascunque dat concess et reservat vel dand concedend et reservand dicto Domino Willielmo Alex-ander suisque haeredibus et assignatis ejusque successoribus Locum tenentibus dictae regionis et domini Novae Scotiae per Equites auratos Baronettos reliquosque portiona-rios et consortes dictae plantationis adeo ut dictus Dominus Willielmus Alexander suique haeredes masculi de corpore suo descenden tanquam Locum tenentes praedict sument et sumere possunt locum praerogativum praeceminentiam et praecedentiam tam ante omnes armigeros barones minores et generosos vulgo *squyris lairdis and gentilmen* dicti regni nostri Scotiae quam ante omnes praedictos Equites auratos Baronettos ejusd regni nostri omnesque alios ante quos dicti Equites aurati Baronetti locum et praecedentiam virtute privilegii dignitatis iis concess habere possunt pro cujus plantationis et coloniae Novae Scotiae adjumento et ejus praecipue respectu dicti Equites aurati Baronetti cum ipsorum statu et dignitate cum avisamento praedicto in dicto regno nostro Scotiae creati fuerant tanquam indicium speciale nostri favoris super tales generosos et honestos loco natos

collat praedictae plantationis et coloniae participes Cum hac expressa provisione omnimodo quod numerus praefatorum Baronettorum nunquam excedat centum et quinquaginta Denique nos cum avisamento praedicto pro nobis haeredibus et successoribus nostris volumus decernimus et ordinamus quod hoc nostrum diploma et infeofamentum ratificari approbari et confirmari cum omnibus ejusd contentis in proximo nostro Parlamento regni nostri Scotiae et ut habeat vim robur et efficaciam acti statuti et decreti ejusd supremae judicaturae penes quod nos pro nobis nostrisque successoribus declaramus et ordinamus praesentem hanc nostram cartam dominis articulorum dicti nostri Parlamenti pro ratificatione et confirmatione ejusd modo praescripto sufficiens fore warrantum Insuper dilectis nostris

et vestrum cuilibet conjunctim et divisim Vicecomitibus nostris in hac parte specialiter constitutis salutem Vobis praecipimus et mandamus quatenus praefato Domino Willielmo Alexander vel suo certo actornato latori praesentium statum et sasinam haereditariam pariter et possessionem corporalem actualem et realem totarum et integrarum praedictarum terrarum regionis et domini Novae Scotiae cum omnibus et singulis partibus pendiculis privilegiis commoditatibus immunitatibus aliisque tam generaliter quam particulariter superius expressatis apud dictum castrum nostrum de Edinburt tradatis et deliberetis sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim vicecomitibus nostris in hac parte antedict nostram plenariam et irrevocabilem tenore praesentis cartae nostrae committimus potestatem quamquidem sasinam nos cum avisamento praedicto pro nobis nostrisque successoribus tenore praesentis cartae nostrae volumus declaramus et ordinamus tam fore legitimam et sufficientem quam si praecepta sasine separatim et ordinarie e nostra cancellaria ad eum effectum super dicta nostra carta fuissent directa penes quam nos cum avisamento praedicto pro nobis haeredibus et successoribus nostris dispensavimus ac per praesentis cartae nostrae tenorem dispensamus imperpetuum In cujus rei testimonium huic praesenti cartae nostrae magnum sigillum nostrum apponi praecepimus testibus praedilectis nostris consanguineis et consiliariis Jacobo marchione de Hamiltoun comite Arranie et Cambrig domino Aven et Innerdail &c. Willielmo Mariscalli comite domino Keith &c. regni nostri mariscallo predilecto nostro consiliario Domino Georgio Hay de Kinfanes milite nostro cancellario predilecto nostro consanguineo et consiliario Thoma comite de Melros domino Bynning et Byres nostro secretario dilectis nostris consiliariis familiaribus Dominis Ricardo Cokburne de Clerkingtoun nostri secreti sigilli custode Joanne Hamiltoun de Magdalens nostrorum rotulorum registri ac consilij clerico Georgio Elphinstoun de Blythwode nostre justiciarie clerico et Joanne Scot de Scotistarvet nostre cancellarie direttore militibus Apud aulam nostram de Otlandis duodecimo die mensis Julij anno Domini millesimo sexcentesimo vigesimo quinto et regni nostri primo.

NUMBER THREE.

L E T T E R S

FROM KING JAMES THE SIXTH, TO THE STATES OF SCOTLAND,
PRELIMINARY TO THE FOUNDATION OF THE
COLONY OF NOVA SCOTIA.

*Letter from King James the Sixth, to the Privy Council of Scotland, anent a Grant of Lands
lying between New England and Newfoundland to Sir William Alexander, knight.*

JAMES R.

RIGHT trusty and welbeloued Cosens and Counsellours, and right trusty and welbeloued Counsellours, Wee greete yow well Haueing ever beene ready to embrace any good occasion whereby the honour or profite of that our Kingdome might be aduanced and considering that no kynd of conquest can be more easie and innocent then that which doth proceede from Plantationes specially in a Countrey commodious for men to liue in yet remayneing altogether desert or at least onely inhabited by infidells the conversion of whom to the christian fayth (intended by this meanes) might tend much to the glory of God Since sundry other Kingdoimes as likewyse this our Kingdome of late vertuously adventring in this kynd haue resined their names imposeing them thus upon new lands considering (praysed be God) how populous that our kingdome is at this present and what necessity there is of some good meanes whereby ydle people might be employed preventing worse courses wee think there are manie that might be spared who maie be fitt for such a forraine plantation being of mynds as resolute and of bodyes as able to ouercome the difficulties that such aduentrers must at first encounter with as anie other nation whatsoever and such an enterprise is the more fitt for that our kingdome that it doth crave the transportation of nothing from thence but onely men women cattle and victualls and not of money and maie giue a good returne of other commodityes affording the meanes of a new trade at this tyme when traffique is so much decayed for the causes aboue specifeit wee haue the more willingly harkened to a motion made unto us by our

trusty and welbeloued Counsellour Sir William Alexander knight who hath a purpose to procure forraine plantation haueing made choice of lands lying betweene our Colonies of New England and Newfoundland both the Governours whereof haue encouraged him thereunto therefore that he and such as will undertake with him by getting of good security maie be the better enabled hereunto Our pleasure is that after due consideration if you finde this course as wee haue conceaued it to be for the good of that our Kingdome That yow graunt unto the sayd Sir William his heires and assignees or to anie other that will joyne with him in the whole or in anie part thereof a Signatour under our great seale of the sayds lands lying betweene New England and Newfoundland as he shall designe them particularly unto you To be holden of us from our Kingdome of Scotland as a part thereof united therewith by anie such tenure and as freely as you shall fynde us to haue formerly graunted in the like case here or that yow shall think fitt for the good of the said plantation with as great priuiledges and fauours for his and their benefite both by sea and land And with as much power to him and his heires and their deputyes to inhabite gouerne and dispose of the sayds lands as hath at anie tyme bene graunted by ws heretofore to anie of our subjects whatsoever for anie forraine Plantation or that hath bene graunted by anie Christian Prince of anie other Kingdome for the like cause in giveing authority power benefite or honour within the bounds to be plaunted to them or by warranting them to conferre the like upon anie particular enterpryser there who shall deserve the samen adding anie further conditiones for the furtherance hereof as yow shall think requisite and that the sayd Signatour be past and exped with all expedition And likewyse our pleasure is that yow give all the lawfull ayde that can be afforded for furthering of this enterprise which wee will esteeme as good service done to ws for doing whereof these presents shall bee your warrant ffrom our Court at Beauier the 5th of August 1621.

To our Right trusty and welbeloued Cosen and Counsellour the Earle of Dumfermling
oure Chancellour of Scotland And to our right trusty and welbeloued Counsellours
The remnant Earles Lords and others of our Privy Councell of our sayd Kingdome.

From his Majestie anent Baronettis.

JAMES R.

RIGHT trustie and welbeloued Counsellours Right trustie and welbeloued Cosens and
Counsellours and trustie and welbeloued Counsellours We greate you weill The Letter

ye sent giveing us thanks for renewing of the name of that our Ancient Kingdome within America intreateing our favour for the furthering of a Plantatioun ther wes verie acceptable unto us and reposing upon the experience of utheris of our subjects in the like kinde We ar so hopefull of that enterprise that we purpose to make it a worke of our owne And as we wer pleased to erecte the honour of Knicht Barronetts within this our Kingdome for advancement of the Plantatioun of Ireland So we doe desire to conferr the like honour within that our kingdome upoun suche as wer worthie of that degree and will agree for ane proportioun of ground within New Scotland furnisheing furthe such a number of personis as salbe condiscended upoun to inhabite there Thus sall bothe these of the cheife sorte (avoydeing the usuall contentions at publick meetings) being by this hereditarie honour preferred to others of meaner qualitie know ther owne places at home and likewyse sall have ther due abroad from the subjects of our other countreyis according to the course appointed for that our ancient Kingdome And the mentioning of so noble a cause within ther Pattents sall both serve the more by suche a singular merite to honour them and by so goode a ground to justifie our judgement with the posteritie But though the conferring of honour be meere regall and to be done by us as we please yet we would proceed in no matter of suche moment without your advyce Our pleasure is haveing considered of this purpose if ye find as we conceive it to be both fitt for the credit of that our Kingdome and for the furtherence of that intended Plantatioun That ye certifie us your opinione concerning the forme and conveniencie thair of together with your further advyce what may best advance this so worthie worke which we doe very muche affect but will use no meanes to induce onie man thereunto further then the goodnes of the busines and his awne generous dispositioun sall perswade Neither doe we desire that onie man salbe sent for or travelled with by you for being Barronet but after it is founde fitt will leave it to their owne voluntarie choice not doubteing (howsoever some for want of knowledge may be averse) but that ther wilbe a greater number then we intend to make of the best sorte to imbrace so noble a purpose whereby bothe they in particular and the whole natione generally may have honour and profite And we wishe you rather to thinke how remedies may be provyded against any inconveniences that may happin to occure then by conjectureing difficulteis to loose so faire and unrecoverable occasion whiche other nations at this instant are so earnest to undertake And for the better directing of your judgement we have appointed ane printed copie of that order quhiche was taken concerning the Barronettis of this our Kingdome to be sent unto you as it wes published by authoritie from us So desireing you to haste back your ansuere that we may signifie our further pleasure for this purpose We bid you faireweill from our Courte at Roystoun the 18 day of October 1624.

To his Majestie anent the Baronettis.

MOST SACRED SOVERANE

We have considerit your Majesties Letter concerning the Baronettis and doe thereby persave your Majestie's great affectioun towards this your ancient Kingdome and your Majestie's most judicious consideratioun in makeing choise of so excellent meanes both noble and fitt for the goode of the same wherein seeing your Majestie might have proceedit without advyce and unacquenting us with your Majestie's royall resolutioun therein We ar so muche the more boundin to rander unto your Majestie our most humble thanks for your gracious respect unto us not onlie in this but in all other thinges importeing this estate auther in credite or profite And we humblie wisse that this honour of Barronet should be conferrit upoun none but upoun knights and gentlemen of cheife respect for their birth place or fortunies and we have taken a course by Proclamatioun to mak this your Majestie's gracious intencion to be publickly knowne that none hereafter pretending ignorance take occasioun inwardly to compleyne as being neglected bot may accuse themselfis for neglecting of so fair ane opportunitie And whereas we ar given to understand that the Countrey of New Scotland being dividit in twa provinces and eache province in severall dioceses or Bishopricks and eache diocese in thrie Counteys and eache Countey into ten Baronyis everie Baronie being thrie myle long upoun the coast and ten myle up into the Countrie dividit into sex paroches and eache paroch contening sax thousand aikars of land and that everie Barronet is to be ane Barone of some one or other of the saidis Barroneis and is to haife therein ten thousand aikeris of propertie besydis his sax thowsand aikeris belonging to his burgh of baronie To be holdin free blanshe and in a free barronie of your Majestie as the barronies of this Kingdome ffor the onlie setting furth of sex men towardis your Majestie's royall Colonie armed apparelld and victuald for tuo yeares And everie Baronet payeing Sir Williame Alexander knight ane thowsand merkis of Scottis money only towards his past charges and endeavouris Thairfore our humble desire unto your Majestie is that care be taken by suirtie actit in the bookis of secret counsell as was in the Plantatioun of Ulster that the said number of men may be dewly transported thither with all provisions necessar and that no Barronet be maid but onlie for that cause and by some suche one particular course onlie as your Majestie sall appointe And that articles of plantatioun may be sett furth for encourageing and induceing all others who hes habilitie and resolutioun to transporte themselfis hence for so noble a purpose

Last we so consave that if some of the Englishe who ar best acquainted with suche forrein interpreises wald joyne with the saids Barronets heir (as it is liklie the syker condition and proportioun of ground wald induce thame to doe) That it wald be ane

grite encouragement to the furtherance of that royall worke quhilk is worth of your Majestie's care And we doubte not sindrie will contribute ther helpe heirunto So expecting your Majestie's forder directioun and humblie submitting our opinione to your Majestie's incomparable judgement we humblie tak our leave prayeing the Almichtie God to blisse your Majestie with a long and happie reigne from Edinbrugh the 23 of November 1624 Sic Subscribitur Geo: Hay Mar St. Androis Mortoun Linlithg^m Melros Lauderdaill L. Airskine Carnegie B. Dumblane A. Neper S. Oliphant.

Anent Baronettis.

RIGHT trustie and right welbeloved Cosens and Counsellouris and right trustie and welbeloved Counsellouris Whereas it hathe pleaseit the Kingis Majestie in favour of the Plantatioun of Nous Scotia to honnour the undertakeris being of the ancientest gentrie of Scotland with the honnour of barronetts and thairin haif traisted and recommendit Sir Williame Alexander of Menstrie to his Counsell to assist him by all laughfull meanis and to countenance the bussienes by thair authoritie In like maner We do recommend the said Sir Williame and the bussienes to your best assistance heirby declairing that we favour bothe the bussienes and the persone that followeth it in suche sort That your willingnes to further it in all you can salbe unto ws verie acceptable service So we bid you hartelie farewell from the Court at Theobalds the 17 of Marche 1625.

Anent Baronettis.

RIGHT trustie and welbeloved Counsellour Right trustie and welbeloved Cosens and Counsellouris We greete you weele We persave by your letteris directit unto ws what care you haif had of that bussienes whiche we recommendit unto you concerning the creating of Knight Baronettis within that our Kingdome for the plantatioun of Neu Scotland and ar not onlie weele satisfied with the course that you haif taikin thairin bot likeways it doeth exceedinglie content ws that we haif so happiely fund a meanis for expressing of our affectioun towardis that our ancient kingdome as we find by the consent of you all so muche tending to the honnour and proffite thair of And as we haif begun so we will continue requireing you in like maner to perseuere for the furthering of this royall work that it may be brought to a full perfectioun And as you haif done weele to warne the ancient gentrie by proclamatioun assigneing thame a day for comeing in And that you

are carefull to secure that whiche thay sould performe Our pleasure is to the end that this bussienes may be caried with the lesse noice and trouble that everie one of thame that doeth intend to be baronet give in his name to our trustie and welbeloued Sir Wil- liame Alexander knight our Lieutennant for that enterprise or in cais of his absence to our trustie and welbeloued Counsellour Sir John Scott knight that one of thame after the tyme appoyntit by the proclamatioun is expyred may present the names of the whole number that ar to be created unto thame whome we sall appoynt Commissionaris for marsalling of thame in due ordour And because it is to be the fundatioun of so grite a work bothe for the goode of the kingdome in generall and for the particuler enterest of everie baronet who after this first protectionarie Colony is satled for secureing of the cuntrey may the rather thairafter adventure for the planting of thair awne proportioun whiche by this meanis may be maid the more hopefull That the sinceritie of our inten- tioun may be sein our further pleasure is that if ony of the Baronettis sall chuse rather to pay tua thousand merkis than to furnishe furth sex men as is intendit that than the whole baronettis mak choise of some certane personis of thair nomber to concurr with our said Lieutennant taking a strict course that all the said money be onlie applied for setting furth of the nomber intended or at the least of so mony as it can convenientlie furnishe And as we will esteeme the better of suche as ar willing to imbrace this course so if ony do neglect the samine and sue for ane other degree of honnour heirafter We will thinke that they deserve it the lesse since this degree of baronet is the next steppe unto a further And so desireing you all to further this purpose als far as convenientlie you can We bid you farewell from our Court at Theobaldes the 23 of Marche 1625.

From his Majestie anent Baronettis.

CHARLES R.

RIGHT trustie and right welbeloued Counsellor right trustie and right welbeloued Cosens and Counsellouris and trustie and welbeloued Counsellouris We greete you weele Un- derstanding that our late deare father after due deliberatioun for furthering the planta- tioun of Neu Scotland and for sindrie other goode consideratiounes did determine the creatting of Knight Baronetts thair And that a proclamatioun wes maid at the mercatt croce of Edinburgh to gif notice of this his royall intentioun that those of the best sort knowing the same might haif tyme to begin first and be preferred unto otheris or than want the said honnour in thair awne default And understanding likewayes that the tyme appoyntit by the Counsell for that purpois is expyred We being willing to accomlishe

that whiche wes begun by our said deare father haif preferred some to be Knight Baronetis and haif grantit unto thame Signatouris of the said honnour Together with thrie mylis in breadth and sex in lenth of landis within Neu Scotland for thair severall proportionis And now that the saidis plantationis intendit thair tending so muche to the honnour and benefite of that our Kingdome may be advanced with diligence and that preparationis be maid in due tyme for setting furth a Colonie at the next Spring To the end that those who ar to be Baronettis and to help thairunto may not be hinderit by comeing unto us for procureing thair grantis of the saidis landis and dignitie bot may haif thame there with lesse trouble to thameselffis and unto us We haif sent a Commissioun unto yow for accepting surrenderis of landis and for conferring the dignitie of Baronet upon suche as salbe fund of qualitie fitt for the samine till the nomber appoynted within the said Commissioun be perfited And thairfore our pleasure is that you exped the said Commissioun through the scalis with all diligence And that you and all otheris of our privie Counsell there give all the lawfull assistance that you can convenientlie affoord for accomplisheing the said worke whereby Colonies sould be sett furthe And certifie from us that as we will respect thame the more who imbrace the said dignitie and further the said Plantation So if ony Knight who is not Baronet presooome to tak place of one who is Baronet or if ony who is not Knight stryve to tak place of one who hes the honnour from vs to be a Knight inverting the order usuall in all civile pairtis We will that you censure the pairty transgressing in that kynd as a manifest contempnar of our authoritie geving occasioun to disturbe the publict peace So recommending this earnestlie to your care We bid you farewell Windsore the 19 of Julij 1625.

To his Majestie anent the Herauldis.

MOST SACRED SOUERANE

SOME questioun being moued at the Counsell table betuix Sir William Alexander his Agentis on the ane part and the Lyoun Herauld and his Brether herauldis and the Maisseris of Counsall and Sessioun on the other part anent the fees acclamed be the Maisser and herauldis from the Knightis Baronettis and thair eldest Sonis Knighted be your Majestie's warrand for thair creatioun and admissioun to thair degrees of honour and dignitie whilkis fees ar acclamed be the herauldis and Maisser as due to thame be the privilege of thair service and officeis and unquestioned possessioun be vertew thair of in all bipast memorie And the other pleadis Immunitie and privilege thairfra be ressoun of some generall wordis insert in thair patentis and a claus in one of your Majestie's

letteris that the same sould be exped unto thame without drawing of thame to neidles chargeis and expensis And wheras this mater wes contentiouslie disputed and that it wes considderit that the honnour of your Majestie's estate royall dois not onlie require necesserlie the seruiceis of herauldis and maissers at Coronatiouns Parliaments and actions of gritest

bot alsua that thay haif beene and still must be employed to mak solemne proclamationis and use chargeis of tressoun aganis rebellious subjectis and charge houssis kept be thame to be randerit which is mony tymes performit with extreame perril of thair lyvis besydis that be thair place thay sould be the publict caryaris of important messageis to strangearis bothe in tyme of peace and war and that be the want of the happynis of your royall presence in this kingdome thay ar disappointit of mony benefeitis whilk in former tymes thay enjoyed thair advantageis ar now so unfrequent that hardlie can thay mantane thameselffis without some extraordinar help and allowance The consideratioun wherof hes moued us to forbear to gif ony present determinatioun in the mater to thair prejudice or impairing of thair wounted benefeit allowed to thame in all tyme bygane at the conferring the honnour of Nobilitie or Knighthoode upoun ony of the subjectis and to remit the whole mater to your heigh and royall wisdom upoun knowlege whereof we sall humelie obey quhat salbe commandit and euer beseik God to blisse your Majestie with a lang and happie reigne Halirudhous xiiij Julij 1626 Chanr Mar Murray Linlithg^w Wintoun Melros Lauderdaill A. B. Dumblane.

CHARLES R.

RIGHT trusty and welbeloued Councillour right trusty and welbeloued Cosens and Counsellours and trustie and welbeloued Counsellours Wee greete you well Having considered your letter concerning the fees that are claimed from the Knight Barronets though at the first it did appeare unto us that none could justlie challenge fees of them by vertue of ane grant that was given before that order was erected yet before wee wold resolve what to do herein We caused inquire of the cheef Herauldes and other Officers within this our Kingdome where the said dignitie of Barronet was first instituted by our late deare Father and do find that the Barronets are bound to pay no fees nor did never pay anie thing at all saue that which they did pay voluntarlie to the Heraulds of whom they had present use And therfor since their creation within that our Kingdome is for so good a cause whereby a Colonie is making readie to sett forth this next Spring to beginne a work that may tend so much to the honour and benefite of that Kingdome We wold have them everie way to be encouraged and not (as wee wrote before) put to

needlesse charges And our pleasure is that none as Barronet be bound to pay fees but what they shalbe pleased to do out of their own discretion to the Herauldes or to any such Officer of whom they shall have use And as for their eldest sonnes whensoever anie of them is come to perfyte age and desires to be knighted let him pay the fees allowed heretofore to be payed by other Knights for doing whereof these presents shalbe your warrant And so Wee bid you farewell from our Court at Oatelandis the 28 Julij 1626.

III.—THE WARRANT

Conferring the Privilege of creating Baronets.

CHARLES R.

Right trustie and right welbeloued cousin and counsellour, right trustie and welbeloued cousins and counsellouris, and right trustie and welbeloued counsellouris, wee greete you well.

Whereas upon good consideration, and for the better advancement of the plantation of New Scotland, which may much import the good of our service, and the honour and benefite of that our auncient kingdome, our royall father did intend, and wee have since erected, the order and title of Barronet in our said auncient kingdome, which wee have since established, and conferred the same upon diverse gentlemen of good qualitie: and seeing our trustie and welbeloued counsellour, Sir William Alexander, Knight, our principall secretarie of that our auncient kingdome of Scotland, and our Lieutenant of New Scotland, who these many years bypast hath been at greate charges for the discoverie thereof, hath now in end settled a colonie there, where his sone, Sir William is now resident; and wee being most willing to afford all possible meanes of encouragement that convenientlie wee can to the Barronets of that our auncient kingdome for the furtherance of so good a worke, and to the effect they may be honoured and have place in all respects according to their patent from ws, wee have been pleased to authorize and allow, as by the presents, for ws and our successouris wee authorize and allow the said Lieutenant and Barronets, and euerie one of them, and their heires-male, to weare and carie about their neckis in all time cuming, ane orange tannie silke ribban, whereon shall heing pendant in a scutcheon argent a saltoire azur thereon, ane inscutcheon of the armes of Scotland, with ane imperiall crowne above the scutcheon, and encercled with this motto, "Fax mentis honestæ gloria," which cognoissance our said present Lieutenant shall delyver now to them from ws, that they may be the better knowen and distinguished from other persounis. And that none pretend ignorance of the respet due unto them, our

pleasure therefore is, that by open Proclamatioun at the marcat croces of Edinburgh, and all other head-brughs of our kingdome, and such other places as you shall thinke necessary, you cause intimate our royall pleasure and intentioun herein to all our subjects, and if any persoun out of neglect or contempt shall presume to tak place or precedence of the said Barronets, their wyffes or children, which is due unto them by their patents, or to weare their cognoissance, we will that, upon notice thereof given to you, you cause punishe such offenderis, by fynyng or imprisoning them, as you shall thinke fitting, that otheris may be terrified from attempting the like: and wee ordaine, that from time to time, as occasioun of granting and renewing their patents, or their heires succeeding to the said dignity, shall offer, that the said power to them to carie the said ribban and cognoissance shalbe therein particularlie granted and insert, and wee likewise ordaine these presents to be insert and registrat in the books of our counsell and Exchequer, and that you cause registrat the same in the books of the Lyon King at Armes and Heralds, there to remain *ad futuram rei memoriam*, and that all parties having interesse may have authentik copies and extracts thereof, and for your so doing, these our letters shalbe unto you and euerie one of you from time to time, your sufficient warrant and discharge in that behalffe. Given at our Court of *Whythall*, the 17 of November, 1629.

To our right trustie and right welbeloued cousin and counsellour, to our right welbeloued cousins and counsellouris, to our right trustie and welbeloued counsellouris, and trustie and welbeloued counsellouris, the Viscount or Dupleine, our Chancellour of Scotland, the Earle of Monteith, the President, and to the remanent Earls, Lords, and otheris of our Privie Counsell of our said kingdome.

IV.—COUNCIL.

Letter of King Charles I. to the Lords of Council and Exchequer.

RIGHT, &c.—There being at this time some controversie between us and the French concerning the title of lands in America, and particularly New Scotland, it being alledged that Port Royal, where the Scottish colonie is planted, should be restored as taken, since the making of the peace, by reason of the articles made concerning the same, as we are bound in dutie and justice to discharge what we owe to everie neighbour prince, so we must have a care that none of our subjects do suffer in that which they have undertaken, upon just grounds, to do us service, neither will we determine in a matter of so great moment till we understand the true estate thereof. Therefore, our pleasure is, that you take this business into your consideration. And because we desire to be certified how

far we and our subjects are interested therein, and what arguments are fit to be used when any question shall occur concerning the same, or the defence thereof, that after due information, we may be furnished with reasons how we are bound to maintain the patents that our late dear father and we have given. So, expecting that having informed yourselves sufficientlie of this business, you will return us an answer with diligence, &c. Whitehall, 3rd. July, 1630.—Earl of Stirling's Register of Letters of King Charles I., &c. MS.

V.—Letter of His Majesty to the Convention of Estates.

CHARLES R.

Right trustie and right well beloved cousin and counsellor, right trustie and well beloved cousins and counsellors, right trustie and well beloved counsellors, right trustie and trustie and well beloved, we greet you well. Having given forth ane decree upon these things, whilk were submitted unto us in such sort as, after due information (having heard all parties) we conceived to be best for the public good, and having given order for making interruption, that we might no way be prejudged by the Act of Prescription, which we can never think was at first intended for anie prejudice of the Crown, we made choice rather to obviate any inconvenient that may come thereby by public acts in council, than to trouble a number of our lieges by particular citations. Therefore we have thought fit to recommend the same unto you, that they may be informed by you our estates convened by us at this time, and likeways where our late dear father and we have erected the dignitie of Baronets for advancing the plantation of New Scotland, granting lands therewith for that effect. We recommend likeways the same, in so far as shall be lawfullie demanded, to be informed by you. And so, not doubting but that you will be careful both of these and all other things that may import the honour of that kingdom or the good of our service, we bid you farewell. From our Court at Nonsuch, the 14th of July, 1630.—Reg. Sec. Conc. 1630, fol. 16.

VI.—Acts of the Convention of Estates.

Apud Holyrood House, ultimo die mensis Julii, 1630.

The estates presentlie convened all in one voice ratifies, allows, approves and confirms the dignitie and order of Knight Baronets, erected by his Majestie and his late dear father of blessed memorie, and conferred by them upon sundrie gentlemen of good

qualitie for their better encouragement, and retribution of their undertakings in the plantation of New Scotland, with all the acts of secret council, and Proclamations following thereupon, made for maintaining of the said dignitie, place and precedence due thereto, to continue and stand in force in all time coming, and that intimation be made hereof to all his Majestie's lieges by open Proclamation, at the Mercat Cross of Edinburgh, and other places needful.

The estates presentlie convened having duly considered the benefit arising to this kingdom by the accession of New Scotland, and the successful plantation already made there by the gentlemen, undertakers of the same, in regard whereof, and that the said lands and territories of New Scotland are by the patent thereof, made in favour of Sir William Alexander of Menstrie, Knight, his Majestie's secretarie. annexed to the Crown, therefore the said estates all in one voice has concluded and agreed that his Majestie shall be petitioned to maintain his right of New Scotland, and to protect his subjects undertakers of the said plantation in the peaceable possession of the same, as being a purpose highlie concerning his Majestie's honour, and the good and credit of this his ancient kingdom.—Acts of Parliament, vol. 5, pp. 223, 4.

VII.—WARRANT.

Letter of his Majesty to the Viscount of Stirling.

Right, &c.—Whereas there is a final agreement made betwixt us and our good brother the French King, and that amongst other particularities for perfecting thereof, we have condescended that Port Royal shall be put in the state it was before the beginning of the late war, that no partie may have any advantage there during the continuance of the same, and without derogation to arise, preceding right or title, by virtue of any thing done, either then, or to be done, by the doing of that which we command at this time. It is our will and pleasure, and we command you hereby, that with all possible diligence you give order to Sir George Home, Knight, or any other having charge from you there, to demolish the fort which was builded by your son there, and to remove all the people, goods, ordnance, munitions, cattle and other things belonging unto that colonie, leaving the bounds altogether waste and unpeopled, as it was at the time when your son landed first, to plant there by virtue of our commission. And this you fail not to do, as you will be answerable unto us. Greenwich, 10th July, 1631.—Earl of Stirling's Register.

VIII.—COUNCIL.

Letter of his Majesty to the Lords of Council and Exchequer.

Right, &c.—Seeing we have seen, by a letter from you, the order of baronets, erected by our late dear father and us, for furthering the plantation of New Scotland, was approved by the whole estates of our kingdom at the last convention, and that we understand, both by the reports that came from thence and by the sensible consideration and notice taken thereof by our neighbour countries, how well that work is begun, our right trustie and well beloved counsellor, Sir William Alexander, our Lieutenant there, having fullie performed what was expected from him for the benefit which was intended for him by the creation of these Baronets. Being very desirous that he should not suffer therein, but that both he and others may be encouraged to prosecute the good beginning that is made, as we heartilie think all such as have contribute their aid by contracting with him for advancing of the said work alreadie, our pleasure is that you seriously consider, either amongst you all, or by a committee of such as are best affectioned towards that work, how it may be best brought to perfection, for we are so far (whatsoever controversie be about it) from quitting our title to New Scotland and Canada, that we will be verie careful to maintain all our good subjects who do plant themselves there, and let none of the Baronets any way be prejudged in the honour and privileges contained in their patents, by punishing of all that dare presume to wrong them therein, that others may be encouraged to take the like course. as the more acceptable unto us, and the nearer to a title of nobilitie, whereunto that of Baronet is the next degree. And if the said Sir William, as our Lieutenant of New Scotland, shall convene the Baronets to consult together concerning that plantation, we hereby authorise him, and will you to authorise him, as far as is requisite for that effect, willing that Proclamation be made of what we have signified, or of what you shall determine for furthering that work whereof we recommend the care to you, as a matter importing specialle our honour, and the good of that our ancient kingdom. Greenwich, 12th July, 1631.—Earl of Stirling's Register.

IX.—MINUTE OF COUNCIL.

Apud Holyrood House, 28th July 1631. *Sederunt.*

Chancellor	V. Stirlie	B. Iles	Clerk Register
St. Androis	L. Gordon	L. Melvill	Advocat
Privie Seal	Areskine	L. Carnegie	Sir Johne Scot
Wintoun	B. Dunkelden	L. Naper	Sir Robert Ker
Linlithgow	B. Ros	Traquair	Sir Robert Douglas
Perth	B. Dunblane	Forrester	Sir James Baillie

The Lords of Secret Council, for the better forderance and advancement of the plantation of New Scotland, gives and grants commission by thir presents to Thomas Earl of Hadintoun, Lord Privie Seal, George, Earl of Wintoun, Alexander, Earl of Linlithgow, Robert, Lord Melvill, John, Lord Traquair, Archibald, Lord Naper, David, Bishop of Ros, Sir Archibald Acheson, Secretar, Sir John Hamilton of Magdalens, Clerk of Register, Sir Thomas Hope of Craighall, Knight Baronet, Advocat, Sir George Elphinstoun, Justice Clerk, Sir John Scot of Scotistarvet, and Sir James Baillie, or anie five of them, without excluding of anie others of the council, who shall be present to convene and meet with William, Viscount of Stirling, and the Knights Baronets, at such times and places as the said Viscount of Stirling shall appoint, and to confer with them upon the best means for the fordering of the said plantation, and to make and set down overtures thereanent, and to present and exhibit them to the said lords, to the intent they may allow or rectifie the same, as they shall think expedient.—Reg. Sec. conc. 1631, fol. 80.

X.—EXCHEQUER.

Letter of his Majesty to the Lords of Council and Exchequer.

Right trustie, &c.—Whereas we send herewith enclosed unto you a signature of ten thousand pounds sterling, in favour of our right trustie the Lord Viscount of Stirling, to be past and expedie by you, under our great seal. Lest any mistaking should ensue thereupon, we have thought it good to declare unto you that (as it may appear by itself) it is no ways for quitting the title, right, or possession of New Scotland, or of any part thereof, but only for satisfaction of the losses that the said Viscount hath, by giving order for removing of his colonie at our express command for performing of ane article of the Treatie betwixt the French and us. And we are so far from abandoning of that business, as we do hereby require you and everie one of you to afford you best help and encouragement for furthering of the same, chieflie in persuading such to be Baronets as are in qualitie fit for that dignitie, and come before you to seek for favour from us, but remitting the manner to your own judgment, and expecting your best endeavours therein. Willing thir presents be insert in your books of Exchequer, and an act made hereupon, we bid, &c. Whitehall, 19th February, 1632.

XI.—*Treaty of St. Germain, 29th March, 1632.*

Traité, &c.—Art. 3. De la part de sa Majesté de la Grande Bretagne, ledit sieur ambassadeur, en vertu du pouvoir qu'il a lequel sera inseré a la fin de ces presentes a promis et promet pour et au nom de sadite Majesté de rendre et restituer tous les lieux occupées

en la Nouvelle France, la Cadie et Canada, par les sujets de sa Majesté de la Grande Bretagne, iceux faire retirer desdits lieux. Et pour cet effet ledit sieur ambassadeur delivrera lors de la passation et signature des presentes aux Commissaires du Roi très Chretien en bonne forme, le pouvoir qu' il a de sa Majesté de la Grande Bretagne, pour la restitution desdits lieux ensemble, les commandemens de sa dite Majesté a tous ceux qui commandent dans le Port Roial, Fort de Guebec, et Cap Breton, pour estre lesdites places et fort rendus et remis es mains de ceux qu'il plaira a sa Majesté tres Chretienne ordonner, &c.—*Fœdera* (continuation by Sanderson) vol. 19.

XII.—ADVOCAT.

Letter of his Majesty to the Lord Advocat.

Trustie, &c.—Whereas upon the late treatie betwixt us and the French King, we were pleased to condescend that the colonie which was latelie planted at Port Royal in New Scotland, should be for the present removed from thence, and have accordingly given order to our right trustie, the Viscount of Stirling, our principal Secretarie for Scotland. Although by all our several orders and erections concerning that business, we have ever expressed that we have no intention to quit our right, title, to any of these bounds; yet, in regard our meaning perchance will not be sufficientlie understood by those our loving subjects who hereafter shall intend the advancement of that work, for their satisfaction therein we do hereby require you to draw up a sufficient warrant for our hand, to pass under our Great Seal, to our said right trustie the Viscount of Stirling to go on in the said work whensoever he shall think fitting, whereby, for the encouragement of such as shall interest themselves with him, and he may have full assurance from us, in verbo principis, that as we have never meant to relinquish our title to any part of that country which he hath by patents from us, so we shall ever hereafter be readie, by our gracious favour, to protect him, and all such as have, or shall hereafter at any time concur with him, for the advancement of the plantation in these bounds foresaid. And if at any time, by order from us, they shall be forced to remove from the said bounds, or any part thereof, where they shall happen to be planted, we shall fullie satisfie them for all loss they shall sustain by any such letters or orders from us. And for your so doing, &c.—Greenwich, 14 Junii, 1632.—Earl of Stirling's Register.

XIII.—BARONETS.

Letter of his Majesty to the Baronets.

Trustie, &c.—Whereas our late dear father, out of his pious zeal for advancement of religion in the remote parts of his dominions, where it had not been formerlie known,

and out of his royal care for the honour and weal of that our ancient kingdom, was pleased to annex to the Crown thereof the dominion of New Scotland, in America, that the use might arise to the benefit of that kingdom: We being desirous that the wished effects might follow by the continuance of so noble a design, were pleased to confer particular marks of our favour upon such as should voluntarilie contribute to the furtherance of a plantation to be established in these bounds, as appeared by our erecting of that order of Baronets, who with you are dignified: whereunto we have ever since been willing to add what further we conceived to be necessarie for the testifying our respect to those that are already interested, and for encouraging of them who shall hereafter interest themselves in the advancement of a work which we so really consider for the glorie of God; the honour of that nation, and the benefit that is likelie to flow from the right prosecution of it. But in regard that, notwithstanding the care and diligence of our right trustie the Viscount of Stirling, whom we have from the beginning entrusted with the prosecution of this work, and of the great charges already bestowed upon it, hath not taken the root which was expected; partly, as we conceive by reason of the incommodities ordinarilie incident to all new and remote beginnings, and partly, as we are informed, by want of the timely concurrence of a sufficient number to assist in it; but especiallie the colonie being forced of late to remove for a time, by means of a treatie we have had with the French. Therefore have taken into our royal consideration by what means again may this work be established; and conceiving that there are none of our subjects whom it concerns so much in credit to be affectioned to the progress of it, as those of your number for justifying the grounds of our princelie favour which you have received, by a most honourable and generous way, we have thought fit to direct the bearer hereof, Sir William Alexander, Knight, unto you, who hath been an actor in the former proceedings, and hath seen the country and known the commodities thereof, who will communicate unto you such propositions as may best serve for making the right use hereafter of a plantation and trade in these bounds, for encouraging such as shall adventure therein. And we doubt not, but if you find the grounds reasonable and fair, you will give your concurrence for the further prosecution of them. And as we have already given order to our Advocate for drawing such warrants to pass under our Seals there, whereby our loving subjects may be freed from all misconstruction of our proceedings with the French anent New Scotland, and secured of our protection in time coming in their undertakings into it, so we shall be ready to contribute what we shall hereafter find we may justlie do for the advancement of the work, and the encouragement of all that shall join with them to that purpose. Which recommending unto your care, we bid you farewell.—Beaulie, 15th August, 1632.—Earl Stirling's Register.

XIV.—COMMISSIONERS FOR THE PLANTATION OF NEW SCOTLAND.

Letter of his Majesty to the Lords of Council and Exchequer.

Trustie, &c.—Whereas our late dear father, for the honour of that his Ancient Kingdom did grant the first patent of New Scotland to the Viscount of Stirling, and was willing to confer the title of Knight-baronet on such of his well-deserving subjects as should contribute to the advancement of the work of the plantation in the said country, we were pleased to give order for the effectuating of the same, according to our Commission direct to you for that purpose. And understanding perfectlie (as we doubt not is well known unto you all) that the said Viscount did begin and prosecute a plantation in those parts with a far greater charge than could be supplied by the means fore-said. And the rather in regard of the late discouragement of some by our commanding him to remove his colonie from Port Royal, for fulfilling of ane article of the treatie betwixt our brother the French King and us, to make everie thing betwixt us be in the estate wherein it was before the war; hearing that there was a rumour given out by some that we had totallie lost our purpose to plant in that country, as having surrendered our right thereof; lest any further mistaking should arise thereupon, we thought good hereby to clear our intention thereon, which is, that our said Viscount, with all such as shall adventure with him, shall prosecute the said work and be encouraged by all lawful helps thereunto, as well by completing of the intended number of Knight-baronets as otherways. And being informed that some of our subjects of good qualitie in this our Kingdom and Ireland, who have taken land in New Scotland holden from us, did accept of the said dignitie, and were obliged to contribute as much towards the said plantation as any other in that kind, were put to far greater charges at the passing of their rights than the natives of that Kingdom were in the like cases. It is our pleasure, that whensoever any of our subjects of qualitie fit for that dignitie within this our Kingdom or Ireland, having taken lands holden of us in New Scotland, and having agreed with our said Viscount for their part of a supply towards the said plantation and that it is so signified by him unto you, that until the number of Baronets formerly considered upon be complete, you accept of them, and give order that their patents be passed in as easy a rate as if they were natural subjects of that our Kingdom. And that you make known to such persons, and in such manner as you in your judgment shall think fit. In doing whereof, &c.—Whitehall, 24th April, 1633.—Earl of Stirling's Register.

XV.—NOVA SCOTIA.

1ST. CHARLES THE FIRST IN SCOTLAND.

Ratification in favour of the Viscount of Stirling, of the Infeoftments and Signature, granted to him, of Dominions of New Scotland and Canada, in America, and Privileges therein contained, and of the Dignity and Order of Knight Baronets; and Act of Convention of Estates made thereanent.

Our Sovereign Lord and Estates of this present Parliament, ratifie and approve all Letters, Patents and Infeftments granted by King James the Sixth, of blessed memory, or by our said Sovereign Lord, to William, Viscount of Sterling, and to his heires and assigneis of the Territories and Dominions of New Scotland and Canada in America, and especially the Patent Charter and Infeftment granted by His Majestie's umwhile dearest Father of worthie memory, of New Scotland, of the tenth day of September, the year of God 1621. Item, another Charter of the same, granted by His Majestie, under the Great Seale, of the date of the twelfth day of July, 1625 yeares. Item, another Charter and Infeftment, granted by His Majestie of the Country and Dominion of New Scotland, under the Great Seale, of the date the third day of May, 1627 yeares. Item, another Charter and Infeftment, granted by His Majesty, under the Great Seale, of the River and Gulph of Canada, bounds and privileges thereof, mentioned in the said Patent, of the date the second day of February, 1628 yeares. Item, a Signature passed under His Majesty's hand, of the said Country and Dominion, which is to be with all diligence exped through the Seale, of the date, at Whitehall, the twentie fourth day of April 1633 yeares; with all liberties, privileges, honours, jurisdictions, and dignities, respective therein mentioned. Together also, with all execution, precepts, instruments of seassings and seassings following, or that shall happen to follow thereupon. And also ratifies and approves the Act of General Convention of Estates at Holy-rude House, the sixth day of July in the Year of God, 1630, whereby the said Estates have ratified and proved the dignities and Order of Knight Barronet, with all the Acts of Secret Council, and proclamations following thereupon, made for the maintaining of the said dignittie, place, and precedencie thereof.

And His Majestie and Estates aforesaid will, statute, and ordaine, that the said Letters, Patents, and Infeftment, and the said dignittie, title, and order of Barronets, and all Letters, Patents, and Infeftment of Lands and dignities granted therewith to any person whatsoever, shall stand and continue in force, with all liberties, privileges, and precedencies thereof, according to the tenor of the same, and in als ample manner as if the bodies of the said Letters Patent, Infeftments, and Signature above-mentioned, were

herein particularly ingroist and exprest, and ordaine intimation to be made thereof by open Proclamation to all His Majestie's Leges, at the Market Crosse of Edinburgh, and other places needful, that none pretend ignorance thereof.

P. Acte No. 28, made in the Parliament held by King Charles the First, (in person) at Edinburgh, the twentie eight day of June, Anno Domini One Thousand Six Hundred and thirtie three.

XVI.—ACT OF COUNCIL.

Apud Edinburgh, 15th February, 1634.

Sederunt. Chancellor, Thesaurer, Privie Seal, Marishall, Roxburgh, Annandail, Lauder-dail, Southesk, L. Areskine, Clerk Register, Advocat.

Forasmeikle as his Majestie's late dear father of blessed memorie, for the honour of this his ancient kingdom of Scotland, did grant the first patent of New Scotland to his Majestie's right traist cousin and Counsellor William Erle of Sterline, and was willing to confer the title of Knight Baronet upon such of his well deserving subjects as should contribute to the advancement of the work of the plantation in the said countrie, his Majestie was pleased to give order for effectuating of the same, according to his Commission directed to the Lords of Privie Council for that purpose. And his Majestie, understanding perfectly that the said Erle did begin and prosecute a plantation in these parts, with a far greater charge than could be supplied by the means foresaid, and the rather in regard of the late discouragement of some, by his Majesties commanding the said Erle to remove his Colonie from Port Royal, for fulfilling of ane Article of the treatie betwixt his Majestie and his brother the French king, to make everie thing betwixt them to be in the estate wherein it was before the war, hearing that there was a rumour given out by some, that his Majestie had totallie lost his purpose to plant in that countrie, as having surrendered his right thereof. And therefore, lest anie further mistaking should arise thereupon, his Majesty has thought good hereby to clear his intention therein, which is, that the said Erle, with all such as shall adventure with him, shall prosecute the said work and be encouraged by all lawful helps thereunto, as well by completing the intended number of Baronets as otherways. And whereas some of the subjects of the kingdom of England and Ireland of good qualitie, who, having taken land in New Scotland holden of his Majestie, did accept of the said dignitie there, and were obliged to contribute as much toward the said plantation as anie others, in that kind